DOCUMENT RESUME

ED 357 408 CS 508 186

AUTHOR	Lisby, Gregory C., Ed.; Eberhard, Wallace B., Ed.
TITLE	Southeast Colloquium of the Association for Education in Journalism and Mass Communication. Proceedings (17th, Stone Mountain, Georgia, March 26-28, 1992).
INSTITUTION	Association for Education in Journalism and Mass Communication.
REPORT NO	ISSN-1064-5403
PUB DATE	10 Jul 92
NOTE	97p.; Sponsored by the History, Law, and Newspaper Divisions.
PUB TYPE	Collected Works - Conference Proceedings (021)
EDRS PRICE	MF01/PC04 Plus Postage.
DESCRIPTORS	Court Litigation; Higher Education; *Journalism; *Journalism Education; *Journalism History; *Legal Problems; *Mass Media Role; Media Research; *Newspapers; Racial Bias
IDENTIFIERS	Buckley Amendment; Historical Background

ABSTRACT

This record of proceedings presents papers and abstracts of papers from the newspaper, law, and history divisions of the Southeast Colloquium of the Association for Education in Journalism and Mass Communication. The two papers in the history division are: "Southern Editors Say 'No' to 'Lo the Poor Indian'" (Kenneth Rystrom); and "'Got No Souls...': Racism in Southern Reconstruction Newspapers" (Donna L. Dickerson). The law division is represented by "The Buckley Amendment and Campus Police Reports" (Ellen M. Bush). "Measuring Mass Media Orientation" (Dorothea Howe and Gerald Stone); and "Making the Best of a Tough Job: Pulitzer Prize Winning Correspondent Eddy Gilmore" (Maury M. Breecher) are the newspaper division's contributions to the full-text portion of this record. The proceedings also presents 67 abstracts of papers, and a list of 8 papers for which abstracts were not available. (RS)

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ED357408

Proceedings

of the

ASSOCIATION FOR EDUCATION IN JOURNALISM AND MASS COMMUNICATION

Southeast Colloquium

History, Law and Newspaper Divisions
Stone Mountain, Georgia
March 26 - 28, 1992

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Volume I, 1992

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Proceedings of the AEJMC Southeast Colloquium

Sponsored by the History, Law and Newspaper Divisions,
Stone Mountain, Georgia, March 26-28, 1992

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Editor's Note

The Southeast Colloquium has always been special to those who have been regular attendees. It has consistently promoted collegiality in ways larger conferences sometimes cannot and it has regularly encouraged quality research by graduate and undergraduate students alike. Yet while it may still be a regionally hosted conference, clearly it is no longer just a regional conference.

In terms of records, the 17th annual AEJMC Southeast Colloquium at Stone Mountain Park was definitely one for the books:

- 106 papers were submitted to the open paper competition from as far away as California, Minnesota, Wisconsin, Pennsylvania, Texas, and Arizona (a record, I believe).
- 110 people attended (also a record).

The result of those records is this volume of proceedings, the first the colloquium has ever produced – funded entirely with revenues generated by the conference – which includes the top papers presented at Stone Mountain and abstracts of the others which were available.

Although finances did dictate the volume's final size and press run, plans are already being made to streamline the production process, which should enable us to publish even more papers from the 1993 AEJMC Southeast Colloquium at the University of Alabama.

But before the books are closed on this year's conference, special recognition and thanks are due, first, to Wally Eberhard for handling the open paper competition. The job was enormous, yet Wally managed admirably and with humor. Ginger Carter deserves credit for assisting with the set-up and other minutiae at the Stone Mountain Inn. Finally, appreciation is expressed to all the authors included in this volume who, with the publication of these proceedings, helped the 1992 AEJMC Southeast Colloquium make history one more time.

Greg Lisby
July 10, 1992

Table of Contents

Proceedings of the 17th Annual AEJMC Southeast Colloquium
Volume I, 1992

Editor's Note ii

History Division

Southern Editors Say 'No' to 'Lo the Poor Indian' 1
By Kenneth Rystrom, Virginia Tech

'Got No Souls...': Racism in Southern Reconstruction Newspapers 18
By Donna L. Dickerson, South Florida

Law Division

The Buckley Amendment and Campus Police Reports 27
By Ellen M. Bush, Florida

Newspaper Division

Measuring Mass Media Orientation 37
By Dorothea Howe, Memphis State
and Gerald Stone, Southern Illinois

Making the Best of a Tough Job: Pulitzer Prize Winning Correspondent Eddy Gilmore 54
By Maury M. Breecher, Alabama

Abstracts

History Division 66

Law Division 74

Newspaper Division 82

Abstracts Not Available 88

ISSN: 1064-5403

Southern Editors Say 'No' To 'Lo The Poor Indian'[1]

By Kenneth Rystrom
Virginia Polytechnic Institute and State University
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*Recipient, Henry W. Grady Prize for Research in Southern Journalism History**

Introduction

This study, of editorials that Southern editors wrote about Native Americans in the years after the Civil War, is part of a broader study of the efforts of those editors to restore and protect the supremacy of a white, Protestant, male culture during the early Reconstruction period. Tentatively titled *The White Editor's Burden: Protecting Southern White Male Supremacy*, the completed work, in addition to Native Americans, is expected to include sections on women (woman suffrage), blacks, Mexicans, Chinese, Mormons, and Jews. In varying degrees, editorials in Southern newspapers during this period indicate that the writers perceived each of these groups as a threat to political and social power or as an inferior class that had to be kept in place.

Approximately 50 newspapers from 12 states (Virginia, West Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Texas, Arkansas, Tennessee, and Kentucky) were included in the study, but extensive microfilm holdings exist for only about 35 of the newspapers. For this portion of the study, newspapers were examined from approximately when they resumed publication following the Civil War through the end of 1870, when the newspapers would have had ample opportunity to comment on the Grant administration's plans for replacing the treaty-making system with a program to bring "civilization, Christianity, and citizenship" to the Indians. Twenty-one of the newspapers commented on Indian affairs one or more times during the nearly six years of the study.

While acknowledging that use of "Native Americans" is generally preferred today, the author has chosen to refer to "Indians," since the editors in the study used that word (that is, when they were not using words more derogatory in nature). A consistent use of one word seemed preferable to switching back and forth, depending on whether the word appeared inside or outside of a direct quotation.

The Need for New Policies

When the United States turned from almost total preoccupation with the Civil War to domestic matters in 1865, one of the major questions concerned what do to with the Indians in the central and western regions. For the next five years or so, until the advent of President Grant's civilizing "peace" plan, the nation would debate strenuously and emotionally how best to deal with the Indians. The purpose of this study is to examine the role, if any, that Southern editors played in helping provide leadership in the search for constructive solutions to the Indian problem.

During the 1830s and 1840s, eastern Indians had been uprooted from their traditional lands and moved west, to "Indian country," beyond the frontier, where they were expected to pose no further threat to whites. But in the 1850s and 1860s more and more settlers began to head west and put down their stakes in lands occupied by or assigned to the Indians. With the

**Awarded annually by the Henry W. Grady College of Journalism and Mass Communications, University of Georgia.*

large numbers of people who set out to find new homes after the war, it soon became clear that the old policy of resettling in "Indian country" would no longer keep whites and Indians apart. Changed conditions demanded new policies.[2]

As the government set about to work out new policies, it found that it had to face not only the presence of more settlers in the disputed areas but increasing hostility toward the Indians as well. Historian Christine Bolt attributed this growing white prejudice against the Indians to three factors: "more widespread frontier clashes," "disparaging popular literature," and inability of "the early anthropologists...to provide a value-free guide to Indian cultures."[3]

Newspaper editorials accounted for a considerable portion of the "disparaging popular literature," as well as more complimentary material, on the subject of who were the Indians and what should be done with them. Because of the relatively new telegraph wire, newspaper editors were among the first to hear the news about attacks, massacres, and wars in the Indian country. The editorials in Southern newspapers during this period make it clear that editors reacted quickly and at length to these reports.

Stated in extreme terms, the question posed in both popular literature (novels and magazines as well as newspapers) and scholarly circles was whether the Indian basically was a Good Indian or a Bad Indian—a Noble Savage or an Ignoble Savage. The framing of the question in that manner left no middle ground between the two extremes.

One historian described the two conflicting images in this manner:

"The bad Indian was barbarous, cruel, lecherous, deceitful, filthy, lazy, and superstitious. The good Indian, though still deficient, was wise, dignified, handsome, hospitable, courageous, eloquent, and tender."[4]

In one form, question about the nature of the Indian took the form of whether Indians were of the same human species as whites. If they were an inferior species, they could not be expected to advance to the level of the white civilization. Whether they were of the same or a different species, the question still remained whether the Indians could adapt sufficiently and quickly enough to the white civilization to avoid extinction.

Whether optimistic or pessimistic about the Indians' prospects, both scholarly and popular writers almost invariably judged the Indians against the measuring rod that they applied to the dominant white culture. Only rarely did they attempt to evaluate Indian culture in terms of its own values or question the assumption that Indian culture was inferior to white culture and therefore deserving of extinction.

The Anthropologists

The most optimistic view among the anthropologists was expressed early in the 19th Century by Albert Gallatin, who was secretary of the Treasury under Presidents Jefferson and Madison. A study of Indian languages led him to believe that all races constituted a single species. The Indians' apparent inferior condition he attributed to "the result of the circumstances under which they were placed." He believed that the abyss between savagism and civilization could be breached if "the people of the United States...exercise a most beneficial moral influence over...less enlightened nations of America."[5]

A study of the sizes of human skills, however, led Samuel G. Morton to an opposite conclusion. "The intellectual faculties of this great family [Indian] appear to be of a decidedly inferior cast when compared with those of the Caucasian or Mongolian races," he wrote. "They are not only averse to the restrains of education, but for the most part incapable of a continued process of reasoning on abstract subjects." He was convinced that the Indians were headed for "deep degeneration and rapid extinction."[6]

Although perceiving Indians and whites as separate species, Ephraim

George Squier took a rare middle view of their capabilities: "It has not yet been satisfactorily shown that the American race is deficient in intellect, or that there is that wide difference in their 'moral nature, their affections and consciences,' which some have asserted."[7] He placed much of the blame for the Indians' status on the whites, but that indictment did not keep him from suggesting that the Indians themselves might prefer extinction:

> When the Indians shall be treated as human beings, and not as wild animals, when they shall be relieved from the contamination of unprincipled hunters and traders, and the moral charlatanism of ignorant and narrow-minded missionaries, when we pursue towards them a just, enlightened, and truly Christian policy; then, if they exhibit no advancement, and ultimately reach a respectable rank in the scale of civilization, it will be quite time enough to pronounce upon them the severe sentence of a deficient intellect and an unhallowed heart...Till then, with the black catalogue of European wrongs and oppressions against him, and the grasping hand of powerful avarice at his throat, blame not the American Indian if he sternly and gloomily prefers utter extinction to an association with races which have exhibited to him no benign aspect, and whose touch has been death.[8]

The anthropologists who made the strongest attempt to influence the government's Indian policy were Lewis Henry Morgan and Henry Rowe Schoolcraft.[9]

Morgan believed that the whites and Indians were members of the same species and that all races had the capacity to progress, although at different rates. Still, he concluded that the only way the Indian could be saved was to "become a farmer and make money and throw off the Indian past. Those alone who do this will be able to save themselves and ultimately will be absorbed in our race." In his view, the only way to tame the Indians was "to put in the white blood" (miscegenation).[10]

Schoolcraft spent his life living with, and helping educate, the Indians, but he expressed deep pessimism about whether they could be incorporated into "our system."[11] He believed that in two centuries of association with whites the Indians had lost their original "native energy and resource" of the hunter society and had sunk into a degenerative condition.

He wrote: "[A]s a people so incapable of self-government, whose customs, laws & manners are so relaxed, and whose spirit is sunk so low,... [the Indians] ought not to be...considered [as independent nations], except for the mere purpose of treating for the sale of their lands, and the settlement of annuities."[12]

The only hope for the Indians, in his view, lay in Christianity and education, but he doubted whether they could adapt in time to be saved from extinction.[13]

With these pessimistic, or at least mixed, evaluations coming from the scholars, it is not surprising that policy-makers and editorial writers were equally pessimistic or ambivalent.

"[W]hen 'friends of the Indian' like Schoolcraft and Morgan so obviously favoured the assimilationist programme supported by the less broad-minded whites," Bolt concluded, "[i]t was unfortunately very hard to alter public indifference or hostility towards Indians when appeals for justice were preceded by scholarly affirmations of Indian inferiority..."[14]

Popular Literature

Popular literature of the time provided no more help than the anthropologists in providing "a value-free guide to Indian cultures."

Dwight W. Hoover, in *The Red and the Black*, found that the historians, philosophers, novelists, and dramatists of the day were equally unrealistic,

unsympathetic, or uninformed about the Indians. Many, he said, "incorporated a romantic racism, a belief in inherent racial characteristics, into their explanations of Indian behavior."[15]

Historian George Bancroft, according to Hoover, thought that, while the Indians might have prospered if they had remained alone, they were not capable of coping with the Anglo-American culture. He saw them as a barrier to western expansion, to be destroyed or exiled.[16]

Historian Francis Parkman also expected the eventual demise of the Indians because of an inability to adapt to the white culture. Hoover noted that in *The Conspiracy of Pontiac*, Parkman depicted Pontiac as a good Indian (determined, however, to protect his people from civilization) but all other Indians as without honor, dirty, degenerate, and doomed to die. Hoover saw Parkman as "ambivalent about the role of the Indian...; was the Indian a comrade in the woods, was he a Noble Savage illuminating the corruption of civilization, or was he a sexual symbol?"[17]

Hoover, who credits James Fenimore Cooper with "the ultimate and most influential portrayal of the Indian in the literature of the period, or indeed in all of American literature," concluded that the Indians in Cooper's novels were "either very good or very bad."[18]

In another book that rivaled Cooper's popularity, Dr. Robert Montgomery Bird's *Nick of the Woods or the Jibbenainosay*, Hoover found that the Indians "had no good qualities; they were ignorant, violent, debased and brutal."[19]

About 1860 young men began reading dime novels, a favorite theme of which, according to John C. Ewers, "was Indian fighting on the Western Plains in which many a wild Comanche, Kiowa, Blackfoot, or Sioux 'bit the dust' before the hero ended his perilous adventures."[20]

One of the most vivid pictures of Indian encounters was recorded by writer-artist Theodore R. Davis, who published in *Harper's Weekly* in 1866 an account of an attack on the overland stage. This account, according to Ewers, helped establish "one of the most enduring symbols of the Wild West—the Indian attack on the overland stage."[21]

During the mid-1800s most of the people in the United States got their ideas of how Indians looked from the drawings and paintings of the Plains Indians, notably those of George Catlin and Karl Bodmer. Often appearing in war-like attire, Catlin's Indians were, in his words, the "finest specimens of Indians on the Continent...all entirely in the state of primitive rudeness and wildness, and consequently are picturesque and handsome, almost beyond description."[22] The images were those of exotic "specimens," not real people who had thoughts and feelings.

By the time of the Civil War, according to Hoover, a previously more favorable image of the Indian had changed. "The Noble Savage idea persisted but with considerable modification, divorced from reality and immersed in allegory," he said. "It was challenged by the conflicting idea that the Indian represented natural wildness and evil." Missionaries clung to the hope of Christianizing and civilizing the Indian, the government was trying to isolate the Indian, but "[p]ublic opinion...held to the belief that the Indian was doomed to extinction."[23]

Contradictory Attitudes

This then was a portion of the scholarly, literary, and cultural background against which newspaper editors across the country responded to reports of what was happening in the Plains during the second half of the 1860s. Is it any wonder that Bolt concluded that the popular writers were no more able than the anthropologists to conceive of the Indians in a value-free manner or any more successful in discovering who the Indians really were?

Not unexpectedly, the editors were neither unanimous nor consistent in their editorial opinions. Indians sometimes were viewed as blood-thirsty;

sometimes as noble. Whites sometimes were seen as innocent victims of savage Indians, sometimes as troublemakers among the Indians. The U.S. Army and the Indian Bureau were both praised and criticized. Not only did the newspapers disagree among themselves about who was good and who was bad, but individual newspapers expressed ambivalent and even conflicting opinions.

The confusion over how the Indians should be treated is no better illustrated than by a pair of editorials, published about a month apart, in the *Missouri Democrat*, in St. Louis.

The first editorial described two sharply different opinions about the Indians. The editorial was prompted by an inspection tour of Colorado and New Mexico by Gen. John Pope, commander of federal forces in the Indian country.[24]

On the one hand, the editorial speculated that Pope would find "few individuals in Colorado" who would express "an intense heat of indignation at the Sand Creek massacre."

(On November 29, 1864, a military troop headed by Col. John M. Chivington attacked a village, which had been assured safety, situated on Sand Creek in Colorado. Estimates of the number of deaths ranged from more than 100[25] to approximately 200 Cheyennes, mostly women and children.[26])

"On the contrary," the *Democrat* said, "it is highly probable he will be a little astonished at the fact that the most philanthropic and benevolent among the people of that region as not altogether indisposed towards the plan of extermination not only as the surest way of ridding the country of the savages, but, after all, as the most humane mode of treatment that could be adopted. This kind of testimony, the result of practical knowledge, will form the extreme of one side of the question."

On the other side, the editorial writer cited "the mild and gentle Quaker system which has recently been advocated, founded upon the supposition that the Indian is endowed with many noble traits of character, which under proper treatment and training might be rendered highly serviceable to humanity."

The editorial itself expressed a hope for "a medium line of policy,...to collect the Indians and...remove them to some point on the Missouri or Mississippi rivers, where provisions could be cheaply supplied, and where they could be treated as wards of the Government." The government should no longer permit "the great thoroughfares leading through the far West to be at the mercy of these blood-thirsty tribes."

However ambivalent the writer's view of the nature of the Indian, it is clear that his principal concern was not with the welfare of the Indians but with the welfare of the whites.

Approximately a month later, the *Democrat* expressed a more favorable view toward Indians and treaties.[27] The editorial, concerned with clearing the way for a northern railroad, noted that a treaty-making commission, which had just returned from the Upper Missouri region, had "been entirely successful in its operation." The commission found that the Indians had observed earlier treaties "to the letter—so faithfully, indeed, that many of them had absolutely starved to death rather than commit depredations when food was within their reach." The editorial noted that at one site "presents were distributed and the Indians dismissed, fully satisfied and apparently determined to be faithful in observing their obligations." At another site "a council was held, and treaties were completed which were entirely satisfactory to the Indians, which secure rights of the greatest importance to the Western country and travel."

Instead of the "blood-thirsty tribes" referred to in the earlier editorial, the *Democrat* pointed to "large numbers of Indians...engaged in cultivating the land" at Fort Berthold and a Mountain Crow tribe that "has been proverbial for its fidelity and faithfulness to the whites."

In this instance, whites were seen as the potential trouble-makers.

One of the commission members had expressed confidence that the treaties would be observed (in the *Democrat's* words) "unless provocation is first given by some of the lawless and rascally whites whose misconduct has led to nearly all the Indian difficulties thus far."

Even this editorial expressed little concern for the Indians themselves: whether they had fully understood the terms of the treaty, what they were to receive in return for giving up their lands, what their chances were for making a success of farming and, in fact, whether they wanted to farm. That some of the Indians had starved seemed of little consequence except as an indication that they would not forcibly take food from the whites.

Disillusionment with Treaties

As these editorials from the *Democrat* suggest, at the beginning of the period of this study, Southern editors looked more favorably upon some treaties than upon others. The editors, however, became increasingly disillusioned with treaties as a means of preserving the peace. A good treaty came to be seen as one that kept the Indians in their place so that the westward movement could continue without interference. A bad treaty, whether first broken by one side or the other, was one that failed to prevent clashes between Indians and whites.

Treaties, by their nature, imply that the signing parties represent sovereign states, which, without coercion, have entered into an agreement that is mutually beneficial.[28] Under that definition, the agreements with the Indian "nations" were not true treaties.

Chief Justice John Marshall had described the Indian tribes as "domestic dependent nations," not fully sovereign. The treaties were used to obtain land that, in the words of one historian, "could not be simply seized without some rationalizing cloak of legality and humanity."[29] The purpose of treaty-making, according another scholar, was "to benefit the national interest without staining the nation's honor."[30] A governor of Georgia was more blunt: "Treaties are expedients by which ignorant, intractable, and savage people were induced without bloodshed to yield up what civilized people had the right to possess by virtue of that command of the Creator delivered to man upon his formation—be fruitful, multiply, and replenish the earth, and subdue it."[31]

In 1867, the *Republican Banner* of Nashville tried to distinguish between Indians who observed the agreements and those who did not, in warning a congressional delegation headed for Dakotah Territory against stirring up trouble among peaceful tribes. "By all means let the excursion be made, but let it be expressly stipulated that the quiet and peaceful tribes shall not be visited," the *Banner* said. "The latter have suffered enough in their time, and as long as they behave themselves they should be spared a visitation from [Congressman] Ben [Butler] and fellows of his ilk."[32]

The same year the *Charleston Daily Courier* cited evidence that the Osage Indians intended to keep their peaceful agreements. It noted that the chiefs had written to the commissioner of Indian affairs: "We never were, nor intend ever to be hostile to our Government or the whites. We know that our welfare depends upon their protection, and therefore solicit the usual protection of the Government." Because of the cost of a war and because of the threat of a "speedy extermination" of the Indians, "the prospect of peace is in every way desirable," the *Courier* concluded on a hopeful note.[33]

In March 1868, the *Missouri Republican* questioned reports that twelve hundred Indians gathered at Fort Laramie were "emboldened to repeat their old atrocities and...determined to make a desperate stand against the encroachments of civilization."[34] The *Republican* was convinced that the Indians, gathered "in anticipation of the spring meeting of the Peace Commissioners[,]... exhibit none other than a friendly feeling....They are in

no wise insolent. It is expected that if there are any 'Indian troubles' this year it will be in consequence of the depredations of white people, who are so far removed from the restraints of ordinary law and civilization that they will not refrain from creating difficulties and committing crimes."

By August, however, the *Republican* had changed its mind about the prospects for peaceful agreements. After citing "dispatches...from Cheyenne and Denver [and] other Indian massacres" within the previous six weeks, the *Republican* stated: "Treaty making for the present with these red skins is tomfoolery, and a criminal trifling with white men's lives. Let the Peace Commissioners stand aside for a few months while Gen. [William T.] Sherman goes in and thrashes these savages until they cry for peace and will be ready to go upon their reservations and stay there."[35]

Thereafter very little support for treaty making appeared in the editorial columns of the newspapers in the study.

In October 1868, reports of massacres prompted the *Augusta Chronicle and Sentinel* to complain (in one of the few editorials that linked Indian and Southern policies) about a government policy that it said left "the white women and children at the mercy of cruel and barbarous savages" on the western frontier. The newspaper offered its readers a vivid description: "White men and white women are butchered on the plains, the brains of tender infants, and the clotted scalps of infirm old men mark the path of the painted savage, who roams unmolested upon our Western frontier, because the 'General of the armies' [Gen. Ulysses S. Grant] thinks it is more important to have Federal bayonets guard Southern ballot-boxes than it is to protect white men and women in their own homes in the West."[36]

When news came in December 1868 that Chief Black Kettle and his followers had been killed in a U.S. Army attack at Washita Valley, the *Missouri Democrat* said these Indians previously had been guilty of "devilish outrages...[that] never...more clearly deserved retribution...."[37]

The editorial took issue with "the alarm expressed by [another newspaper] that Indians that had been killed by [Gen. Philip H.] Sheridan's men were 'friendly Indians.'"

"Let the Indian agents tell the story, and there never was an Indian who was not 'friendly,'" the *Democrat* said. "Of all living Indians, a great many are hostile, as scalped men and ravished women, mangled children and burned dwellings bear witness. But the dead Indians are all 'friendly.' Nay, the Indian who gets hurt is always 'friendly.' Enough of this stuff about friendly Indians..."

A few months later, the *Democrat*, then thoroughly disillusioned with treaties, asked:

> If Black-Tail-Deer and Wounded-in-the-Abdomen are 'high contracting parties,' and if the 'Capotas Utes' are a nation in the same sense as the United States is a nation, then we beg to know why we have to furnish them blacksmiths, blankets, and 'one bull for every twenty-five cows?' [sic] And if this is not a nation, but simply a wandering gang of Western gipsies [sic], roving over our territory, subject to our laws and living on our bounty—a set of lazy, national paupers in fact—then why on earth do we make 'treaties' with them?[38]

In June 1869, the *Raleigh Standard* said that the "untutored savage" was "persistently [keeping] the even tenor of his scalping way. Treaty after treaty has been made, and as often broken by the Indians. All they want is to have a treaty now and then to obtain presents from Uncle Sam, and then they resume their offensive operations."[39]

In March 1870, the *San Antonio Express*, referring to treaties as "that ineffable nuisance," said it was "glad to see indications on the part of Congress of a purpose to abolish the old system of treaties, and abuses con-

nected therewith."[40] Later that month, the *Express* prescribed "a prompt and vigorous application of powder and lead" for "the wild, savage, and brutal bands who have been, for many years, running along the lines of our settlements, plundering and murdering at will."[41]

In November 1870, the *Charleston Daily Courier* called upon "the strong arm of the Government" to protect the lives and property of "settlers [who] are constantly exposed to the attacks of marauding bands of Indians. There is no reason why a tribe of Indians...should be at liberty to burn down the dwellings of peaceful citizens, and murder and mutilate their inmates....[I]f he acts as a savage, he must be treated as a savage."[42]

The extent to which the *Richmond Whig* had written off the Indians was made evident in an editorial titled "The Negro and the Indian." The editorial was primarily concerned with admonishing blacks to appreciate the jobs that whites had made available to them. "When the negro ceases to be useful in this way," the newspaper said, "he will be thrown aside, or hunted to death, just as the Indian has been and now is."[43]

Indians Not Entirely to Blame

Even though, by this time, the editors had abandoned any hopes they might have had for the effectiveness of keeping peace through treaties, some of them by no means held the Indians as wholly responsible for the breakdown of the treaties. Nor did they wholly approve of what they saw as unnecessarily harsh treatment, on occasion, of the Indians. Several were outspoken in their criticism of the part that whites had played in mishandling, provoking, and mistreating the Indians. Among those criticized were the commissioners who negotiated the treaties, the Indian Bureau, the military, and trouble-making white civilians. Also, as the fighting continued and threatened to expand, some editors became less and less willing to pay the high costs of waging war on the Indians.

The Military

Several newspapers expressed concerns about what they perceived to be overreaction by the military.

As early as December 1866, the *Savannah Republican* accused "the authorities charged with the management of the Indians" of "many arbitrary military measures [that] have aggravated them to a degree bordering on an out break. It is not to be wondered at that the Indians are occasionally troublesome if such is the treatment to which they are subjected."[44]

The *Republican Banner* decried the killing of Indians who had come to Camp McDermott "professing friendship":

> Eight of them left camp for three days, and it being ascertained that their designs were hostile, they were followed and killed. We are told, by way of rounding out the slaughter, that 'it was understood that the Indians remaining in camp, would suffer the same fate.' It is possible that the Indians were playing a trick, but the summary wholesale vengeance they executed or contemplated, is characteristic of the frontier.[45]

Although the *Missouri Democrat* later would change its position, an editorial in early 1867 argued against entrusting Indian affairs to the War Department on the ground that more authority should not be entrusted to subordinate officers at the military posts:[46]

> Most of these officers are young men, and nearly all of them are comparatively unacquainted with the Indian character and peculiarities, and destitute of that experience which alone could enable them to carry out any policy successfully. As army officers, they are not in the habit of considering the political or civil

> bearings of measures, nor does their training incline them to study economy in the management of affairs. If they would steal less, they would blunder more than civilians who might be selected for the same duties....In particular, we question whether army officers could ever be expected to do strict justice in regard to difficulties between the Indians and the troops, the settlers or traders, and the frontiersmen....
>
> That army officers would mean to be unjust to the Indian we do not believe, but many of them are young men, of hot blood, and judgment not ripened by experience, burning for distinction, tired of the monotony of garrison life, and really 'spoiling for a fight'....The plain fact is that the Indian is a live coal and the army is gunpowder. Putting the coal into the powder is not the way to keep the peace.

A few months later the *Democrat* struck the same theme when it said that, "whenever an Indian has been guilty of outrage," the government "has embraced the opportunity to give the army a taste of blood. That this treatment is utterly unworthy of a Christian or civilized nation, every man not interested in Indian agencies or contracts for the army on the Plains will admit."[47]

In June 1867, the *Mercury*, of Charleston, S.C., expressed concern that an Indian war would gratify "those wild frontier men who hold the doctrine that there are 'no good Indians but dead Indians.'"[48] It said:

> It will give them an opportunity of displaying their nerve and skill; it will gratify their thirst for adventure; it will make horses and rifles cheap, and plunder plentiful. But those who have no interest in personal struggles with the 'big Indian,' no romance to dispel, and no self-interest to serve, cannot look without disgust upon a war with three hundred thousand red men who will fight, if not with disciplined valor, at least with subtlety, patience and endurance.

When Gen. Winfield S. Hancock went "after the Cheyenne Indians with blades and unerring rifles," the *Virginia Free Press* of Charleston, W. Va., remarked: "The opinion prevails among the best informed men of the country that the Indians are not fairly dealt with by them, and that they have only the alternative to fight or starve."[49]

In an editorial in December 1868 titled "Lo the Poor Indian," *Memphis Appeal* expressed concern that the killings at Washita Valley of "Kiowas and Arrapahoes [sic], with their great chief Black Kettle" were "the first onslaught" of Sheridan's "programme...for the wholesale massacre of the Indians who disturb our military and render frontier garrison life irksome and dangerous."[50]

Noting that the pursuit and attack had been "characterized by the vim that is part of the military renown of Gen. Custar [sic; George A. Custer]," the *Appeal* writer blamed whites for provoking the Indians and for responding in a manner contrary to Christian principles:

> In reading over the dispatch of Gen. Sheridan, we were struck by the absence of any regret for a course rendered necessary by the conduct of the white men whose robberies of the Indians incite his hostility to our race....No quarter, no peace, nothing but extermination awaits the Indians under the joint management of Sherman and Sheridan, both whom believe in the contradictory and untenable policy, for a Christian people, of mitigating the horrors of war by the infliction of a punishment that is in itself the sum of all its horrors.

In an editorial published the same day, responding to the same event,

the *Courier-Journal* of Louisville, while acknowledging that the Indians had committed "bloody deeds" and "outrages," asked: "[B]ut who is to say that they were not instigated to these by the invasion of the white man?...There is every reason to believe that the Indians were originally a pacific race of men. Wrong has converted them into habitual and almost natural belligerents. Reconstruction has made them a race of barbarians."[51]

The editorial expressed the doubt that, after fifty years of trying, "force of arms" could ever prove successful in subduing "an unwilling people."

Furthermore, the *Courier-Journal* questioned whether it was reasonable or right to attempt to impose white civilization and Christian ways onto the Indians. This, by the way, was the only editorial encountered in the study that clearly posed this question. The *Courier-Journal* said:

> It is all very well to pretend that civilization must be pushed as far as it will go, that Christianity has to be taught the heathen; that new worlds are to be opened up to life and light. Granted this, and does it justify the use of all manner of proscriptive violence? There is every reason to believe that the Indians were originally a pacific race of men. Wrong has converted them into habitual and almost natural belligerents.

Federal Agencies

The Indian Bureau, its agents, Indian commissions, and other agents of the federal government drew much of the criticism directed toward whites.

In December 1866, the *Savannah Republican* complained that "the execution of treaties and the payment of annuities is often entrusted to men who go out for the purpose of making profit of the position. This is altogether wrong and unworthy of a civilized and Christian government."[52]

Two years later, the same newspaper, then known as the *National Republican*, said it knew of "many Indian agents, whose salary was only $1,500, who retired from office worth fortunes more than $100,000 cash. All this money properly belonged to the Indians. It was not bad advice of George Francis Train,[53] a year or two since, that we could easily make peace by shooting the Indian traders. We never heard of an Indian agent that did not get rich."[54]

In June 1867 the *Montgomery Advertiser* placed the blame for the current Indian wars on "the rascality of agents [of the Indian Bureau] and the frauds practiced by the white traders. The consequence is that the worst passions of the red men are stirred up, and revenge is their war cry."[55]

The *Missouri Democrat* charged that Indian agents—"whose interest it is to make daily treaties with the certainty that they will be immediately broken"—were interfering with "effective military operations" intended to keep the Indians where they belonged.[56]

On another occasion the *Democrat* concluded that "nine-tenths of our Indian troubles have been caused, not by the irrepressible barbarism of the savage, but by the irrepressible rascality of agents and traders." It said that the Indians, "at the mercy of agents of insatiable rapacity," had been "poisoned, cheated and and outraged with impunity." It concluded: "If either are to be exterminated, it would be more just, and a vast deal cheaper to exterminate the rascally whites..."[57]

In 1867[58] and again in 1869[59] the *Democrat* described as outrages and frauds the imposition by federal commissions of treaties on unwilling tribes.

In the earlier case the *Missouri Democrat* objected to the manner in which a commission sent to Fort Laramie had managed to obtain a treaty securing rights of way for a railroad. The *Democrat* described what had occurred in this manner:

> The Powder river country is the buffalo ground of the Sioux and other tribes, and these tribes came a long distance to Fort Laramie to meet the commissioners. When the proposition in regard to the road was made to them, the Sioux very earnestly and positively protested. They said: "Open this route and you drive the buffalo from our hunting grounds. The buffalo cannot go east—they meet advancing settlements; they cannot go west—they meet the mountains. If they go south, they strike the great lines of railroad and coming settlements. We have no way to live by the chase; drive the buffalo from this Powder river country and you exterminate us." The commissioners insisted. The Sioux replied that they could not grant what was demanded without starvation; that they would be forced to fight for their lives if the government attempted to open this road through the country assigned to them by previous treaty. Finding that no expostulations availed, *all the leading Sioux left the conference, stating that the attempt to open the proposed road would force them to resist.* The commissioners did not see fit to report these facts to the government. They induced some members of the Sioux tribe, not leaders nor men of influence, to consent to the proposition, *assumed the power to create these chiefs,* and then got up a treaty to which these so-called chiefs affixed their signatures.
>
> This treaty, which every one can see that the Sioux must regard as an outrage, was taken to Washington as a legitimate and bona fide treaty with the tribe, and as such was ratified by the Senate. Of course the Senators did not know the names of the real Sioux chiefs, and could not detect the fraud. Had the Senate known, as the commissioners apparently must, that the ratification of this treaty would be regarded as an declaration of war, it is probable that it would not have been approved. But, though they were indignant, the Sioux acted with more patience and moderation than is usual with Indians who feel that they have been defrauded or wronged. They injured no traveler, harmed no settler, and confined themselves to resisting the attempt to open the road. When troops came to locate forts they attacked. It was under cover of this bogus treaty that eighty-one soldiers were sent to Fort Phil Kearney, under Colonel Fetterman, and the Sioux, precisely as they had told the commissioners, regarded the act as a violation of the previous treaty, as a declaration of war, and the beginning of their extermination. They attacked the force and the massacre of the 21st of December followed.

The *Democrat*, which in 1867 had supported keeping the Indian Bureau in the Department of Interior, and out the military's hands,[60] became so disgusted with "Indian mismanagement" that less than two years later it endorsed transfer to the War Department.[61]

The *Courier-Journal* editors thought that the problems of the Indian Bureau were so severe that transfer to the War Department would make no difference:[62] "The Indian Bureau, like the Freedmen's Bureau, has always been, and will always be, a swindle. Fraud and proscription are the friends and constant companions of all such bureaux. The country is indifferent as to which department does the corruption. It knows that it is bound to be fleeced."

In April 1869, the *Fort Smith* (Ark.) *New Era* questioned the justice of a treaty that affected the Kiowas under Satanta and Lone Wolf and the Yamparika band of Comanches under chief Pen-wah-Samin or Ten Bear.[63] While noting that these bands were "about to quit their reservations and resume hostilities," the equivalent of a declaration of war under the treaty, the *New Era* suggested that the Indians had just cause. Citing a U.S. Army

captain, the newspaper attributed "their hostile attitude" to "being compelled to go where they can find something to eat or stay and starve.... [O]wing to the absence of game, and the failure of receiving the stipulated supplies, the Indians are in a bad dilemma, and the chiefs of the two tribes mentioned have declared that they can not restrain their young men any longer, and that they will fight before they and their families will starve."

Other 'Unprincipled Whites'

Whites who occupied no official positions and held no official titles also were blamed for problems with the Indians.

While acknowledging that a tribe led by Spotted Tail had committed "very bloody deeds," the *Richmond Dispatch* reminded its readers that they were "no doubt prompted by the outrages of unprincipled whites who roam the plains in search of speculation and plunder, and by the beating, stealing, and murdering, engage the poor sons of the forest." The Indians "[are] very naturally driven to desperation," the *Dispatch* said, by "these outrages from the whites," by "the maddening influences of the 'fire-water' they sell to the Indians," and by "the steady encroachment of the pale faces upon [their] hunting grounds."[64]

When large numbers of Indians met the Peace Commission at Fort Laramie in 1868, the *Missouri Republican* speculated that "if there are any 'Indian troubles' this year it will be in consequence of the depredations of white people, who are so far removed from the restraints of ordinary law and civilization that they will not refrain from creating difficulties and committing crimes." It added: "Here is evidence to show that these vicious white people more need the services of a missionary, than that the Indians will have to be 'again subdued' by force of arms."[65]

A few weeks later the *Republican* noted that "lately there have been several cases illustrating the truthfulness of what we said" about "the fact that trouble with the Indians this season was more likely to result from the bad actions of depraved white men on the Plains than from any other case."[66]

It recounted a case near Boise City, Idaho, in which "two white men...mortally stabbed [a] young Indian and treated [two] squaws in a most brutal manner." The *Republican* warned that, unless punishment was swift, a tribe that had "for a long time been peaceably disposed" could be expected to begin "taking vengeance" on stage coach passengers. "Such, then," the newspaper said, "is the origin of one difficulty which may be expected with a tribe of Indians."

In September 1869 the *Arkansas Weekly Gazette* of Little Rock noted that "a good word at last" had been spoken in favor of "Lo, the Poor Indian" (the title of the editorial). The *Gazette* reported that General Hancock had found the Indian tribes on the Upper Missouri River disposed toward peace with the whites "unless some provocation was given" (the *Gazette's* words).[67]

In 1866, the *Missouri Democrat* accused white settlers in New Mexico of not only stirring up trouble with the Indians but using "Indian troubles" for their own political purposes. The settlers had asked the federal government to send more troops to protect them against what the *Democrat* said were described as "savaged barbarities,... robberies and murders...growing into daily occurrences." The newspaper noted, however, that, while "a faction composed of civilians" had raised alarum, "strange as it may seem, the military, whose special duty it is to keep the Indians in subjection, are totally oblivious to any alarming outbreaks, and apparently unadvised of any necessity for further accessions to its rank and file."[68]

Expense of the War

Some of the editors found their enthusiasm for wars on the Indians waning because of the costs in dollars.

Referring to "the enormous expenses," the *Missouri Democrat* complained that, "with a heavy debt to bear, and with industry already prostrated by the burden of taxation, we cannot afford to expend fifty millions a year in looking out for the Indians or fighting them."[69]

"A general Indian war would impose large and financial burthens [sic] upon the people, and cost some valuable lives," said the *Charleston Daily Courier*.[70]

"Our government...has not incurred enough expenses fighting certain tribes with which we have been at war for some time," complained the *Raleigh Sentinel*, "but it stands a good chance of enlarging operations and of having more trouble on its hands."[71]

The *Mercury* of Charleston speculated that it would cost "hundreds of millions of dollars and years of time" if the war were to be "one of extermination" or "carried on until the tribes are so chastised and humiliated that they will not, for ten years to come, care to pull a trigger against a white man."[72]

In another editorial, the *Mercury* calculated that "every private soldier stationed on the frontier costs the United States over one thousand dollars per annum, and that, upon an average, it has taken one hundred such soldiers to kill a single Indian." The "immense expense" could not be justified, the newspaper said, "with a decreasing national revenue, a ruined South, a depressed North, and discontented Northwest."[73]

In an editorial titled "A Million Dollars and Ten White Men for a Dead Indian," the *Republican Banner* Nashville came up with a different set of costs. It said that General Grant's headquarters had put the cost of the Indian war at one million dollars a week. The *Banner* estimated that if the war were pushed vigorously it would cost five million a week. "Thus far since the troubles began," it said, "*every Indian killed has cost the Government over a million dollars, and the lives of ten white men.*"[74]

Grant's Peace Plan

By the time of the election of Grant in November 1868, the Southern editors included in this study generally had become disillusioned with the prospects of dealing successfully with the Indian tribes through treaties. Some had become disillusioned with the federal agents responsible for making and enforcing these treaties. Some had become disillusioned by the frustrations, the excesses, and the expense of the Indian wars.

Consequently it might have been expected that the newspapers would respond positively to proposals to abandon the treaties and try other methods for dealing with the Indians. In his inaugural address on March 4, 1869, President Grant offered a "Peace Policy" that called for replacing the treaty relationship with a program to bring "civilization, Christianization, and citizenship" to the Indian.[75] The tribes would no longer be treated as "nations" supposedly with powers to negotiate treaties. Instead, Indians as individuals would be subject to federal laws, which Congress could enact on its own. The editors generally welcomed the idea of bringing the Indians directly under federal law, but they were less enthusiastic about civilizing and Christianizing the Indians.

One of the few wholly positive responses came from the *Alabama State Journal* in an editorial titled "The 'Quaker' Policy." Expressing support for "civilization, christianizing [sic] and ultimate citizenship," the *Journal* said that "very many well informed philanthropies" believed that the whites were the principal cause of the Indians' difficulties "and that justice and good treatment persistently shown toward them on our part will not only put an end to wars, but will speedily bring the Indians into progressive civilization."[76]

The *Courier-Journal* of Louisville also expressed the conviction that Indians could become responsible citizens. The best way to deal with the

Indians, it contended, was to hold them "individually and personally amenable to our civil laws as the whites are and arrested and tried by the courts in the same way."[77]

According to the *Courier-Journal*, a similar arrangement had produced good results in Canada. The Canadians have found, the newspaper said, "that the Indians are the easier people in the world to get along with if common justice is done them or any spirit of conciliation or kindness exhibited toward them." The editorial continued: "The Government does not commit the blunder and absurdity of creating them as independent nations and tribes and make treaties with them for the benefit of the white speculators, rogues, and rascals."[78]

In another editorial a year later the *Courier-Journal* continued arguing its case for trying the Canadian approach:

> We hear of no Indian butcheries there, no war waged by or for the savages. They break no frontiers, for none are made for them. No agents are employed to purchase peace from them by presents, or to excite them to revenge by swindling them and breaking faith with them. They make no attempt to protect their criminals by force against the operation of the laws of the land, for they know in the first place, that, being incorporated into the general population of the realm, they have a common interest with the whites in the punishment of crime and the resulting preservation of order, and, in the second place, that, if they should resort to force, they would suffer.[79]

The editors of the *Missouri Democrat* thought the government had the continued responsibility to protect the lands previously reserved by treaty for the Indians but that all future arrangements should appear on the statute books in the form of laws passed by Congress. "The savages may call them treaties if they like," the *Democrat* said. "No civilized man can see in them anything else than laws by the United States for disposition or government of a portion of its territory."[80]

The *Democrat*, which had been highly critical of the abuses of treaties and other dealings with the Indians, hailed Grant's appointment of Eli S. Parker as commissioner of Indian affairs as the best chance of breaking up "the Indian ring [which] has been the most mischievous." The newspaper said it expected to "see a thousand faces length, a thousand jaws drop, as agents and contractors and speculators learn of this appointment."[81]

Even after a military attack on a Piegan village in March 1870, the *New Orleans Republican* continued to express hope for Grant's peace approach in spite of what it called "the massacre of a very large number of helpless Indian women and children, and a miserable dozen or so of warriors, under the orders of General Sherman." The *Republican* said that, if the account were true, "President Grant will be greatly grieved and indignant...so shockingly different is the incident from the humane and we believe successful policy that he initiated toward the Indians."[82]

A larger number of newspapers were concerned about controlling the Indians, and controlling them at once, than with attempting to civilize them.

Only three months after Grant's announcement of the peace plan, the *Memphis Appeal* concluded that "the Quaker policy of the President has not produced" the expected results. The *Appeal* noted that many Indians had left the camps where they had been fed and supported by the government during the winter and "had taken to the field and war path." It concluded: "From these acts it is quite clear that 'drawing it mild' will not do for the Indians."[83]

The same month the *Raleigh Standard* called on the government to "recall its Quakers, send out its soldiers and commence a vigorous and

never ceasing war upon the Indians, and let it continue until life and property are again safe in the west."[84]

The *Standard* was blunt in its prescription for dealing with the Indians:

> Let a war of extermination be commenced and followed up until the Indians are either destroyed or driven beyond the limits of the United States. This is a harsh course, but one demanded by necessity. It has been proven beyond question that so long as the Indians have the power they will war against the white race...This must be done in self-defence, and for the advancement of civilization. The savage is a relic of the past, and has no business with the present...The ground he occupies is needed by civilization and barbarism must yield.

Other newspapers were less impatient but as committed to tightening control over the Indians. A year after Grant's inauguration, the *San Antonio Express*, describing the treaties as an "ineffable nuisance" in the government's dealings with the Indians, said it was "glad to see indications [that] Congress [intended] to abolish the old system."[85]

At about the same time a *Charleston Daily Courier* editorial reported that the "the whole country [is worried about] the insecurity and disastrous effects" of the old Indian policies. The Indians, it said, "must be incorporated in some way into the Government, and placed under the influence of its laws and its civil authority....[W]hatever the plan, there should be...a speedy solution."[86]

Conclusion

Bolt has suggested that Southern leaders (presumably that included newspaper editors) may have been less than enthusiastic about the president's plan because it was "associated with their conqueror, Grant, and similar in its objectives to freedmen's aid."[87] Neither of those concerns, however, appears, on the surface at least, in these editorials. From the beginning of the period under study, the editors primarily had been interested in keeping the Indians from interfering with the westward move of the whites. If treaties could achieve that purpose, they supported treaties. If the treaties failed to work, they were willing to abandon treaties and try something else. This overarching concern continued throughout the period.

Newspapers that had expressed some sympathy for the Indians (for example the *Missouri Democrat*,[88]) still, from time to time, spoke approvingly of massacres and talked about extermination.[89] Only four of the twenty-one newspapers (the *Missouri Democrat*, the *Memphis Appeal*, the *Courier-Journal* and the *Savannah Republican*)[90] raised the question of Christian ethics in the treatment of Indians, and each only once. Only one newspaper (the *Courier-Journal*)[91] expressed doubts about whether the white Christian culture should be imposed on the Indians. Even the *Courier-Journal's* preferred solution to the Indian problem called for subjecting the Indian to the same laws as the whites.[92]

Only rarely did the editors attempt to clearly express sympathy for the Indians' point of view.[93] Even in these instances it seems clear that the editors were writing with little knowledge of the people for whom they were prescribing policies of war and peace.

The editors had in their heads the pictures of the Indians of James Fenimore Cooper, George Catlin, and the dime novels. These Indians were seen as either exotic creatures or savage, depraved beings. In either case their way of life was regarded as incompatible with the more advanced white civilization that was spreading over their lands. The editorial writers almost invariably perceived two options for the Indians: accept civilized, Christian ways, settle down, and farm, or face extinction (slow or rapid). Some editors preferred one option; some preferred the other. None seems to have sought to find a middle ground between the two options that would have left a place for an Indian culture.

[1]Reference is to Alexander Pope, *Essay on Man, Epistle I*: "Lo, the poor Indian! whose untutor'd mind/Sees God in clouds, or hears him in the wind;/His soul proud Science never taught him to stray/Far as the solar walk or milky way."
[2]Utley, Robert M., *The Indian Frontier of the American West 1846-1890* (Albuquerque: University of New Mexico Press, 1984), p. 37.
[3]Bolt, Christine, *American Indian Policy and American Reform* (London: Unwin Hyman, 1987), pp. 69-70.
[4]Utley, *The Indian Frontier of the American West*, p. 34.
[5]Bieder, Robert E., *Science Encounters the Indian, 1820-1880* (Norman: University of Oklahoma Press, 1986), pp. 33,35,54.
[6]Bieder, *Science Encounters the Indian*, pp.70-86.
[7]Bieder, *Science Encounters the Indian*, p. 127.
[8]Bieder, *Science Encounters the Indian*, p. 127-128.
[9]Bieder, *Science Encounters the Indian*, p. 239.
[10]Bieder, *Science Encounters the Indian*, pp. 195,239,221,225.
[11]Bieder, *Science Encounters the Indian*, p. 175.
[12]Bieder, *Science Encounters the Indian*, p. 150.
[13]Bieder, *Science Encounters the Indian*, pp. 191,193.
[14]Bolt, *American Indian Policy and American Reform*, p. 196.
[15]Hoover, Dwight W., *The Red and the Black* (Chicago: Rand McNally, 1976), p. 100.
[16]Hoover, *The Red and the Black*, p. 101.
[17]Hoover, *The Red and the Black*, pp. 101, 103.
[18]Hoover, *The Red and the Black*, p. 104-105.
[19]Hoover, *The Red and the Black*, p. 106.
[20]Ewers, John C., "The Emergence of the Plains Indian as the Symbol of the North American Indian," in Arlene B. Hirschfelder, *American Indian Stereotypes in the World of Children* (Metuchen, N.J.: The Scarcecrow Press, 1982), pp. 24-25.
[21]Ewers, "The Emergence of the Plains Indian as the Symbol," p. 25.
[22]Ewers, "The Emergence of the Plains Indian as the Symbol," pp. 20-21.
[23]Hoover, *The Red and the Black*, p. 107-108.
[24]*Missouri Democrat*, July 10, 1866.
[25]Schultz, Duane, *Month of the Freezing Moon: The Sand Creek Massacre November 1864* (New York: St. Martin's Press, 1990), p. 139.
[26]Utley, *The Indian Frontier of the American West*, p. 92.
[27]*Missouri Democrat*, August 13, 1866.
[28]Brownlie, Ian, *Principles of Public International Law* (Oxford: Clarendon Press, 1979), pp. 602,612.
[29]Utley, *The Indian Frontier of the American West*, p. 36.
[30]Satz, Ronald N., *American Indian Policy in the Jacksonian Era* (Lincoln: University of Nebraska Press, 1975), p. 1, quoted in Utley, *The Indian Frontier of the American West*, p. 36.
[31]Berkhofer, Robert F., Jr., *The White Man's Indian: Images of the American Indian from Columbus to the Present* (New York: Knopf, 1978), p. 138, quoted in Utley, *The Indian Frontier of the American West*, p. 36.
[32]*Republican Banner*, April 10, 1867.
[33]*Charleston Daily Courier*, October 8, 1867.
[34]*Missouri Republican*, March 11, 1868.
[35]*Missouri Republican*, August 28, 1868.
[36]*Augusta Chronicle and Sentinel*, October 13, 1868.
[37]*Missouri Democrat*, December 10, 1868.
[38]*Missouri Democrat*, March 23, 1869.
[39]*Raleigh Standard*, June 23, 1869.
[40]*San Antonio Express*, March 18, 1870.
[41]*San Antonio Express*, March 31, 1870.

[42]*Charleston Daily Courier*, November 12, 1870.
[43]*Richmond Whig*, May 19, 18?.
[44]*Savannah Republican*, December 4, 1866.
[45]*Republican Banner*, November 22, 1867.
[46]*Missouri Democrat*, January 7, 1867.
[47]*Missouri Democrat*, May 24, 1867.
[48]*Mercury*, June 6, 1867.
[49]*Virginia Free Press*, May 9, 1867.
[50]*Memphis Appeal*, December 4, 1868.
[51]*Courier-Journal*, December 4, 1868.
[52]*Savannah Republican*, December 4, 1866.
[53]George Francis Train was a witty, flamboyant, eccentric self-made millionaire who went around the country making radical comments on issues of the day.
[54]*National Republican*, December 4, 1868.
[55]*Montgomery Advertiser*, June 11, 1867.
[56]*Missouri Democrat*, July 10, 1866.
[57]*Missouri Democrat*, May 24, 1867.
[58]*Missouri Democrat*, June 24, 1867.
[59]*Missouri Democrat*, June 19, 1869.
[60]*Missouri Democrat*, January 7, 1867.
[61]*Missouri Democrat*, December 10, 1868.
[62]*Courier-Journal*, December 14, 1868.
[63]*Fort Smith New Era*, April 21, 1869.
[64]*Richmond Dispatch*, August 12, 1867.
[65]*Missouri Republican*, March 11, 1868.
[66]*Missouri Republican*, April 2, 1868.
[67]*Arkansas Weekly Gazette*, September 1, 1869.
[68]*Missouri Democrat*, December 18, 1866.
[69]*Missouri Democrat*, January 7, 1867.
[70]*Charleston Daily Courier*, October 8, 1867.
[71]*Raleigh Sentinel*, March 20, 1869.
[72]*Mercury*, August 7, 1867.
[73]*Mercury*, June 6, 1867.
[74]*Republican Banner*, July 10, 1867.
[75]Utley, *The Indian Frontier*, pp. 129-130.
[76]*Alabama State Journal*, March 8, 1869.
[77]*Courier-Journal*, November 28, 1869.
[78]*Courier-Journal*, November 19, 1868.
[79]*Courier-Journal*, November 28, 1869.
[80]*Missouri Democrat*, March 23, 1869.
[81]*Missouri Democrat*, April 25, 1869.
[82]*New Orleans Republican*, March 9, 1870.
[83]*Memphis Appeal*, June 5, 1869.
[84]*Raleigh Standard*, June 23, 1869.
[85]*San Antonio Express*, March 18, 1870.
[86]*Charleston Daily Courier*, April 11, 1870.
[87]Bolt, *American Indian Policy and American Reform*, p. 78.
[88]*Missouri Democrat*, May 24, 1867.
[89]*Missouri Democrat*, December 10, 1868.
[90]*Missouri Democrat*, May 24, 1867; *Memphis Appeal*, December 4, 1868; *Courier-Journal*, December 4, 1868; *Savannah Republican*, December 4, 1866.
[91]*Courier-Journal*, December 4, 1868.
[92]*Courier-Journal*, November 19, 1868, November 28, 1869.
[93]*Republican Banner*, November 22, 1867; *Missouri Democrat*, January 4, 1867; *Memphis Appeal*, December 4, 1868; *Courier-Journal*, December 4, 1868; *Missouri Republican*, March 11, 1968.

'Got No Souls...': Racism in Southern Reconstruction Newspapers

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Southern whites emerged from the Civil War a defeated and humiliated people. Their region's economy, politics, law and social relations had been turned on end by the stroke of Lincoln's pen across the bottom of the Emancipation Proclamation.

While freedmen and freedwomen rejoiced:
Slavery chain done broke at last!
Broke at last! Broke at last!
Slavery chain done broke at last!
Gonna praise God till I die!

Now no more weary trav'lin',
Cause my Jesus set me free,
An'there's no more auction block for me
Since He give me liberty![1]

Southern whites mourned: "Now we belong to Negroes and Yankees," and are treated "as if we are slaves ourselves.... Oh, it is abominable!" With such declarations, Southern whites "prepared to surrender their human property, but not the ideology that had made such possessions possible and necessary."[2]

That ideology, which was at the core of race relations in America, was racism.[3] Whether the ideology was constructed from the Biblical mythology of the "descendants of Ham" or from "scientifically observed" biological differences, it was a rational response by whites to perpetuate and justify their social construction of reality.[4]

Ideology, defined as a set of beliefs, attitudes and preferences that reflect one's own experiences, is not static. Its meaning changes depending on one's interpretation of social experience. For example, antebellum racism was more liberal among black-belt planters and more radical among small farmers who were threatened by blacks seeking land for subsistence farming.[5]

Ideology also shifts with time. The racism of the pre-war slave-owner was more paternalistic than the conservative racism of the post-war planter who paid his laborers.[6]

Also, ideology is made up of many contradictions in attitudes. Sociologist John Wilson explains that the appeal of an ideology "lies not in its rational validity, but in the conviction with which the heterogeneous events of the social world are integrated."[7] An example of both the lack of rationality and the existence of contradiction in racist ideology can be found in the stereotypes of blacks as both "stupid" and "crafty," or of the "bad" black man as "lazy" and "insolent" and the "good" black farmer as "industrious" and "respectful."

According to David Brion Davis, race assumed the role of ideology during the 18th Century, when it was necessary to justify the subordination of black slaves.[8] The deep foundations of the ideology can be read in the public rhetoric of presidents, politicians, petitions, and preachers, as well as the private writings of diarists, letter writers, and memoir writers.[9]

James Carey states that through language, journalism "sizes up situations, names their elements and names them in a way that contains an attitude toward them."[10] The purpose of this paper is to explore how newspapers reacted to the exigence of Reconstruction policies by constructing, reinforcing and extending the ideology of racism through a pattern of racist stereotyping.[11] The focus is on newspapers in Georgia, Alabama and Florida between 1867 and 1872[12]—before the Democratic party gained enough strength to overturn any gains made by blacks.[13]

Reconstruction is a particularly appropriate period for the study of racism in newspapers. Fields notes that "If ever a period seemed in its very essence to concern race relations, it is Reconstruction." Race was embodied in every constitutional amendment of the period—the Thirteenth, abolishing slavery; the Fourteenth, admitting blacks to citizenship; and the Fifteenth, prohibiting states from denying suffrage based on color or previous condition.[14]

Williamson adds that race relations in the South "take their basic form from a change that occurred during the lives of three generations of southerners, black and white, who matured between 1850-1915."[15]

And finally, Reconstruction is the second of three major periods in American history when race relations dominated political communication in the South. The first period was the 1830s when Virginia's consideration of legislation to abolish slavery, the abolitionists propaganda campaign in the North and South, and the Congressional gag rule against anti-slavery petitions precipitated a national debate over slavery. The third period was during the Civil Rights Movement of the 1960s.

The Rhetorical Situation

By the spring of 1866, most Southern states had repealed their ordinances of secession, amended their state constitutions, elected state and federal representatives (mostly former secessionists), ratified the 13th Amendment and inaugurated new governors. Believing they had reconstructed according to the will of Pres. Andrew Johnson, Southern states sent congressional delegations to Washington, only to have the men denied their seats.[16]

Meanwhile, Congress's Joint Committee of 15 on Reconstruction had gathered enough evidence to conclude that while Southern states like Georgia, Alabama and Florida had indeed met the word of Presidential Reconstruction, they had in fact destroyed the basic liberties of blacks and union sympathizers.[17] State constitutions gave the franchise only to white males, and legislatures passed Jim Crow laws that assigned blacks to a position of "political oblivion, social inferiority, and superficial legal equality."[18]

To right this wrong, Congress's Republican majority passed the Reconstruction Act of 1867. Congress's new policy allowed Southern states to return to the Union only after they approved new constitutions, gave the franchise to freedmen and ratified the 14th Amendment.[19]

By giving freedmen the franchise, Republicans made racial equality the major issues of Reconstruction. It was the one issue that drew in all others; in the minds of white Southerners, Reconstruction had been reduced to a single scheme by the federal government "to reverse the social pyramid and expect it to stand on its apex"[20] by replacing the "virtue and intelligence" of the white man[21] with the "Devil's own race."[22]

The immediate goal of Southern Democrats was to thwart this oncoming black hegemony by persuading whites to vote the Democratic ticket. Democratic newspapers helped, in part, by reminding whites that blacks were inferior and had no business participating in white government. The Tuscaloosa (Ala.) *Times* stated that it would fight for the "maintenance of

the social and political supremacy of the white...the rule of the state by white leaders and masses of the Democratic and Conservative party in place of a rule by mongrel leaders and masses of the radical party."[23]

It became imperative to sustain and legitimize the old notions of social order by blending the racist ideology with a vulgar language that was understood by most Southern whites. The Augusta *Constitutionalist* asked whether the state would be "ruled by whites or niggers; shall it be the home of the whites of full blood or a sink of mongrels?"[24] This type of rhetoric unified Southern white communities, legitimized their power, and eventually mobilized the conservative Democrats to defeat Republicans.[25]

The 'Nigger' Myth

Southern newspaper editors reacted to the "mad and impossible experiment of...government by wild beasts"[26] by defining blacks as intellectually, morally and physically inferior people.[27] These generalizations, attributed to all blacks, produced a common stock of highly charged stereotypes that subverted the credibility of the "illiterate and semi-civilized" black.[28] Cal Logue calls it the "Nigger" myth—a symbolic relic of bondage that describes slavish personalities, racial inferiority and class dependence.[29]

Leon Litwack notes that although the use of the term "nigger" by whites was detested by almost all blacks, "the very fact of emancipation appears to have increased its popularity in white circles."[30] Ironically one of the best descriptions of the "Nigger" concept came from an elderly freedwoman: "We are niggers. We always was niggers, and we always shall be....we've got no souls, we are animals. We are black and so is the evil one."[31] This was exactly the myth that Southern whites wished to perpetuate.

The "Nigger" myth reflected in a dramatic way the basic ideology held by whites—that blacks were inferior. This notion of inferiority was chained to another myth, that blacks needed to be protected by honorable Southern whites.

The "Nigger" myth as promulgated in Southern Democratic newspapers can be broken into several overlapping stereotypes: blacks as savage, immoral, physically unattractive, ignorant, lazy, and dishonest.[32] These stereotypes were the lowest common denominator on which to build the "Nigger" myth and to communicate to readers in the most simplistic terms the social and political division between races.

A common rhetorical strategy was to deny freedmen not only any moral status, but also the moral competence to become human beings. This idea was reflected in the African "Savage" stereotype, which relegated blacks to a barbaric state, damned by God and nature to perpetual serfdom.

By ascribing the black man's inferiority to "nature," whites could justify obvious inequalities without admitting that slavery had kept blacks from being "humanized." The *Atlanta Constitution* stated that slavery was the black man's "penance of sin."[33] Because God had "created them differently and under circumstances peculiar to themselves, they must accept His providence."[34] According to the *Florida Peninsular*, "the God of nature has imposed an interdiction to the social and political equality of blacks, and the legislature of man cannot undo it."[35]

Despite the fact that blacks had lived in this country over 250 years, they were still depicted as "semi-civilized Africans,"[36] "semi-barbaric,"[37] "Black Savages"[38] and "the Devil's own race"[39] only "recently from the barbarism of Africa."[40] The *Mobile Daily Advertiser and Register* proclaimed the freedom, not slavery, had brought out all of the black man's "inherent savage qualities."[41]

In a report of the murder of a white man, the *Savannah Morning News*

described the black perpetrators as "Black savages" of "brutal instinct" whose actions were that of the "wild and barbarous negro-chiefs on the Banks of the Nile—where the real negro nature is disclosed in its uncontrolled and untamed ferocity."[42]

The "savage" stereotype was used repeatedly to belittle and describe blacks who participated in politics and thus to justify their exclusion from the political arena. John Forsyth of the *Mobile Daily Advertiser and Register* accused "the long-haired barbarians" of fastening on Alabama a "government by wild beasts."[43] Other editors described "piebald" constitutional conventions as "menageries"[44] and "bastard institutions"[45] peopled by "monkeys"[46] and "mongrels."[47]

The "savage" stereotype received some of its meaning from its opposition to the "virtuous and intelligent"[48] white race. Positive stereotypes of whites were an important component of the racist ideology. Newspapers touted the "just,"[49] "pure and able,"[50] "wise,"[51] "manly and dignified,"[52] "honest"[53] white race almost as much as they discredited the black race.

Often the racism was legitimized by referring to scientific evidence of differences in "physiognomy" or "physiological and anatomical peculiarities" that prevented blacks from rising "above the rudest forms of Barbarism."[54] "Scientific racism" allowed editors to legitimately link physical characteristics to inferiority. Blacks were derided as "filthy,"[55] "dirty,"[56] "wooly headed,"[57] "thick lipped,"[58] and "blubber lipped."[59]

When it came to the central issue of Reconstruction—the enfranchisement of blacks—editors spared no epithets to describe freedmen as unfit for self government. The *Atlanta Constitution* ran a series of editorials in the summer of 1868 before the Presidential election. Some of their titles summarize the general attitude of editor Carey Styles: "The Negro Incapable of Government", "The Negro Morally and Mentally Unfit to Execute the Franchise Rights," and "Not our Brother."[60]

To most whites, the Radical Republicans had given the balance of their power to "ignorant and debauched negroes, who without property or wealth are to legislate for the white."[61] Blacks did not have the intelligence for this task and should leave government alone. "Mind and money always over ignorance and poverty" reminded the *Georgia Weekly Telegraph*.[62] Otherwise, the intelligent white man would be "politically manacled by a black idiot."[63]

The *Mobile Daily Advertiser and Register* warned that the upcoming constitutional convention would be composed of "wooly heads, empty heads, stolid ignorance and base venality."[64] When the Georgia convention met, the black delegates were described as "possessing neither education, character, natural ability, nor political experience."[65] Their legislation is "as unintelligent as the drunken brains in which it was conceived."[66]

The stereotypes of the freedman as ignorant did have a "kernel of truth" to it. In fact, over 90% of the freedmen were illiterate.[67] Slavery was not the best school for learning about civic and political responsibility. A black politician told the Georgia legislature:

> "Suffering from the consequent degradation of two hundred and forty-six years of enslavement, it is not to be expected that we are thoroughly qualified to take our position beside those who for all ages have been rocked in the craddle (sic) of civilization."[68]

And there seemed little hope that blacks would ever be intelligent. One editor noted, "we entertain very small hopes of any considerable amelioration of his mental condition through education."[69] However, the *Atlanta Constitution*, while believing blacks were morally and mentally incapable of voting, acknowledged that educational opportunities should be provided. The editor's faith in the improvement of blacks may have come from hav-

ing noted that Northern blacks were "better" than Southern blacks "by virtue of [their] education and intelligence."[70] And if blacks met certain white-imposed standards of education and good character they may one day be eligible to vote.[71]

If intelligence were found among blacks it was usually attributed to an anomaly of nature or to any white blood they might have. When it was announced that Frederick Douglass would debate a New York congressman, the issue was whether "it is not the part of his nature which is Caucasian that has given his intellect the extraordinary vigor that has raised it so much above the normal standard of the part which is African."[72]

The stereotypes of lazy, immoral and dishonest were strong images left over from slave days. And now that blacks were moving into the cities and no longer under the management of plantation overseers, whites strengthened the images of blacks as incapable of survival without the white man. Their "ignorance, superstitions, race-passions and prejudices make [them] utterly unfit."[73] This image was fueled by a fear of blacks, who were often typecast as base, licentious, insolent, or as thieves and robbers.

According to the *Mobile Daily Advertiser and Register*, the "constitutional tendency of the negroes to ease and idleness would not be overcome except with persuasion, training and law."[74] The Macon *Journal and Messenger* described blacks as "indolent and careless and will only work under compulsion and to satisfy temporal wants."[75] The *Florida Peninsular* blamed the bad crop of 1866 on "shiftless, lazy" blacks who "refuse to work" and who steal everything they need.[76]

How were white Southerners to solve this problem of an ignorant, immoral, savage and lazy population of blacks who had been loosed upon their land and in their cities? The answer, for editors, was clear: "Let the negroes of the South be remitted to the management of the white men of the South who thoroughly understand their natures."[77] Echoing through newspapers across the South was the desire to return to the days of slavery, when blacks were useful, respectful, content, orderly and industrious—and under the care of "that great people for whose happiness and glory this once great government was founded."[78]

If blacks were untampered with, a "perfect identity of feeling of interest (with whites) would result" and they would again become a "steady and industrious and, as a consequence, a contended and a happy people as of yore."[79] The *Atlanta Constitution* insisted that white men "to the manor born," with their abiding interest in the welfare of the black man, would shape their conduct according to "the dictates of justice and wisdom" if allowed to manage freedmen.[80]

Once again the negative stereotype was being enhanced by the positive image of the white man as benevolent and just. Southern whites should be allowed to deal frankly and justly with blacks and take care of them "as we do the weak, helpless and ignorant of our own race."[81] Even the Jim Crow laws were defined as a "positive tangible demonstration of the [South's] interest in the black population, and her intention that they shall be protected against oppression and made secure in all their rights."[82]

Blacks were warned that it was Southerners, not Northern Radicals, who were their only friends.[83] Therefore, "ignorant, dependent and helpless" blacks should give up their ridiculous claims to political rights and put their trust in Southerners who promised to protect freedmen "in the enjoyment of all the rights to which their freedom entitled them."[84]

Before a meeting of freedmen in Savannah, Georgia's Gov. Herschel Johnson warned blacks to "select those who understand your true interest and are identified with you in the memories of the past, and in the hopes of the future, and those who have been born and raised and who were associated with you, who understood your conditions."[85]

The Augusta *Loyal Georgian,* a Republican newspaper closely allied to the Freedmen's Bureau, reminded its black readers that whites had always believed that slavery was the best condition for blacks. The editor cautioned: "Believing that slavery was right...they will believe that the condition which comes nearest to slavery...will be the best."[86] Indeed, said the editor of the conservative Dawson (Ga.) *Weekly Journal,* "African slavery is the only system that ever worked harmoniously and the only one that ever will." Although the status of blacks had been altered, the relations of blacks to whites remains the same. "Our people will embrace and act upon the idea that the negro is still to raise cotton, corn, etc. though under a different system of labor."[87]

And if freedmen did not want to return to a system of peonage and give up their political rights, white Southerners were well armed with bribes, threats and intimidation.[88] The *Atlanta Constitution* reported the speech of Francis P. Blair, Jr., Democratic vice presidential candidate: "Unless the negro submit to the intelligent guidance of the powerful white race, their fate will be that of the Indian—they will be exterminated!"[89]

The same threat was made by Benjamin H. Hill, prominent Georgian conservative: "If you do not make and keep friends of the Southern people, your fate is that of the [I]ndians. Woe to your race!"[90]

Joseph E. Brown, Georgia's former Confederate Governor, admonished: "If you are colored men, you had better be content to take what Congress has given you" and not go further to seek office or to sit on juries.[91]

The Atlanta *Daily New Era,* a Republican newspaper, also warned blacks to "quit dabbling in politics and go to work." Another editor told blacks their duty was to unite with Southerners and "be sober, industrious, faithful to your engagement, respectful to whites and esteem yourself too well to be guilty of a dishonest or criminal act." If blacks heeded the warning "the result will be plenty of labor, good compensation, education for your children."[92]

Conclusion

After the Reconstruction Act of 1867 was passed, the South believed itself to be under the rule of "mongrel leaders and the masses of the radical party."[93] But Reconstruction did not necessarily ensure the permanency of Negro suffrage. The *Daily New Era* provided this blueprint for the future:

> If the white men of Georgia are unified they can secure the control of their new state government elect their Congressmen, and as soon as the State is once more in its place...they can amend their Constitutions, disfranchise the negroes, and restore suffrage to the disfranchised whites.[94]

But the only way they could achieve redemption was to ensure that blacks never again had the opportunity for political equality they so briefly enjoyed between 1867 and 1872. To prevent blacks from achieving political ascendancy, Southern whites modified their antebellum paternalistic racism into a conservative racism that was no longer as benevolent and tolerant.

Not only did whites eventually succeed in pushing blacks back to a state of peonage, but their success was due to the "South's adoption of extreme racism," and an "undisguised hatred of the Negro which portrays him as little if any better than a beast."[95] This conservative racist ideology was communicated primarily through the use of stereotypes that depicted blacks as ignorant, savage, lazy, immoral and incompetent. If white people were to prescribe and enforce a precise role for blacks, they also had to prescribe and enforce a precise role for themselves. This was accomplished

through the second myth of the White Southerner as the provider and caretaker of the black population, a role that would be undertaken with all regard to justice and freedom. These myths were sustained by Southern newspapers during and after Reconstruction.

Racism in American newspapers is a topic journalism historians have only begun to probe.[9] Revealing this darker side of the news industry does not fit comfortably with either progressive or consensus theories of history, nor does it fit with conventional narratives that are encumbered by historical institutional relationships with industry. In fact, to study how American media have perpetuated the ideology of race is to question predominate industry claims of equality, justice and freedom. For these reasons, racism is territory that has yet to be explored thoroughly by journalism historians.

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[1] Leon F. Litwack, *Been in the Storm So Long* (New York: Vintage Books, 1979) p. 167.

[2] *Ibid.* pp. 178-179.

[3] Racism is defined as a system of beliefs and attitudes that ascribe central importance to real or presumed (ie. moral, intellectual and psychological) racial differences. *See*, Alexander Sexton, *The Rise and Fall of the White Republic* (New York: Verso, 1990) p. 14.

[4] *Ibid.*, p. 15; Gunnar Myrdal, *An American Dilemma: The Negro Problem and Modern Democracy* (New York: 1962) pp. 85, 97.

[5] Joel Williamson, *The Crucible of Race* (New York: Oxford University Press, 1984) defines three types of racism: liberal (paternalistic), conservative (the Negro in his "place") and radical (Ku Klux Klan model).

[6] Barbara J. Fields, "Ideology and Race in American History," in J. Morgan Kousser and James M. McPherson, eds., *Religion, Race, and Reconstruction* (New York: Oxford University Press, 1982) pp. 143-177.

[7] John Wilson, *The Introduction to Social Movement* (New York: Basic Books, 1973) p. 94.

[8] David Brion Davis, *The Problem of Slavery in the Age of Revolution* (Ithaca: Cornell Univ. Press, 1975) pp. 299-306.

[9] *See*, George Frederickson, *The Black Image in the White Mind* (New York, 1971); Eugene Genovese, *Roll, Jordan, Roll: The World the Slaves Made* (New York, 1974); Thomas Gossett, *Race: The History of an Idea in America* (New York, 1963); Winthrop Jordan, *White over Black: American Attitudes toward the Negro, 1550-1812* (New York, 1977); Litwack, *Been in the Storm so Long*; Saxon, *The Rise and Fall of the White Republic*.

[10] James Carey, "Journalism and Criticism: The Case of an Undeveloped Profession," in Michael Emery and Ted C. Smythe, eds., *Readings in Mass Communication*, pp. 123-133, 129 (Dubuque, Iowa: W. C. Brown, 1983).

[11] According to Barbara Fields, the racism of the rich black-belt was fairly homogenous as it reflected "an elitist political ideology that challenged the political competence of the subordinate classes as a whole." In other words, black-belt whites based their racist ideology on the deep conviction of intellectual and moral superiority (the bedrocks of political competence). On the other hand, they acknowledged that the black man was entitled to freedom and benevolent consideration by whites. Fields, "Ideology and Race...," p. 158. This conservative racism, according to Joel Williamson, "is the long-running and mass mode of thought on race in the white South, and, stubborn at its core and subtly pliant on its surface, it persists strong and essentially unchanged even today." The conservative racism of the Deep South is in contrast to the more radical racism of border states where small farmers' rampant hatred of blacks was based on the fear of economic competition. Williamson, *The Crucible for Race*, p. 6.

[12] A study of racism during the entire Reconstruction period, 1863-1877, and throughout the South, is beyond the scope of this paper. However, it is the author's intent eventually to tackle the entire period and region in a longer format.

[13]These three states made up the Third Military District under Congressional Reconstruction and have served as the focus of several of the author's earlier research projects. This study looks at all extant newspapers in these states that the author was able to borrow through inter-library loan.
[14]Fields, "Ideology and Race," p. 162.
[15]Williamson, *The Crucible of Race,* xii.
[16]For a general history of Reconstruction, see, Foner, *Reconstruction;* and Kenneth Stampp, *The Era of Reconstruction, 1865-1877* (New York: Vintage Books, 1965).
[17]House Report No. 30, 39th Cong., 1st session, pts. 1-4; Benjamin B. Kendrick, *The Journal of the Joint Committee of Fifteen on Reconstruction* (New York, 1915).
[18]Alan Conway, *The Reconstruction of Georgia* (Minneapolis: University of Minnesota Press, 1966) p. 56.
[19]14 U.S. Stats. 428; 15 U.S. Stats 2 (1867).
[20]*Mobile Daily Advertiser and Register,* Nov. 20, 1867.
[21]*Atlanta Constitution,* July 18, 1868.
[22]*Florida Peninsular,* July 27, 1867.
[23]Jan. 31, 1872.
[24]March 4, 1868.
[25]According to Fields, "White Supremacy" was a slogan that summarized a variety of attitudes to provide a basis for common political action. She argues that "the unity of Southerners' belief in white supremacy is more often taken for granted than argued in white supremacy is more often taken for granted than argued in its own right, because it cannot withstand serious analysis." "Ideology and Race," p. 156. However, the same argument can be made of any ideology, ie., that it means different things to different classes at different times. White Supremacy was indeed a slogan, but it summarized the rhetorical vision of racist ideology.
[26]Mobile *Daily Advertiser and Register,* Nov. 27, 1867.
[27]Lloyd Bitzer defines this phenomenon as the Rhetorical Situation, whereby all forms of rhetoric were used to adjust to an exigence – a situation of urgency; Bitzer, "Functional Communication: A Situational Perspective," in Eugene E. White, ed., *Rhetoric in Transition: Studies in the Nature and Uses of Rhetoric* (University Park: Penn. State University Press, 1980) pp. 21-38.
[28]Stereotype is defined as a generalization that people make about social groups without regard to variations that exist among group members. James W. Vander Zanden, *American Minority Relations* (New York: Alfred Knopf, 1983) p. 19.
[29]Cal M. Logue, "Rhetorical Ridicule of Reconstruction Blacks," 62 *The Quarterly Journal of Speech* (Dec. 1976) pp. 400-409.
[30]Litwack, *Been in the Storm so Long,* p. 255.
[31]*Ibid.*
[32]Frederickson, *The Black Image,* p. 321, lists these same attitudes as almost universally agreed upon from the 1830s on. He referred to this as a "Creed," accepted by all but a small minority of whites. However, Gossett, *Race: The History of an Idea,* p. 261, contends that although antebellum sentiment portrayed the black man as inferior by nature, the dominant stereotypes were loyal, devoted, childlike, helpless, and superstitious.
[33]June 24, 1868.
[34]*Ibid.,* July 22, 1868.
[35](Tampa), May 19, 1866.
[36]*Southern Recorder* (Milledgeville, Ga.), Jan. 14, 1868.
[37]*Mobile Daily Advertiser and Register,* Dec. 8, 1867.
[38]*Ibid.,* Nov. 5, 1868.
[39]*Florida Peninsular,* July 6, 1867.
[40]*Atlanta Constitution,* June 24, 1868.
[41]Jan. 3, 1869.
[42]Nov. 5, 1868.
[43]Dec. 1, 1867.
[44]*Rome Daily Courier,* Feb. 28, 1868.
[45]*Atlanta Constitution,* July 18, 1868.

[46]*Rome Weekly Courier*, Feb. 28, 1864; Atlanta *Constitution*, Aug. 6, 1868.
[47]Tuscaloosa *Times*, Jan. 31, 1872.
[48]*Mobile Daily Advertiser and Register*, Dec. 8, 1867.
[49]*Atlanta Constitution*, July 22, 1866.
[50]*Florida Peninsular*, Sept. 21, 1867.
[51]*Ibid.*, Feb. 22, 1868.
[52]*Georgia Weekly Telegraph*, Jan. 31, 1868.
[53]*Florida Peninsular*, Feb. 22, 1868.
[54]*Florida Peninsular*, Feb. 8, 1868; see also, *Atlanta Constitution*, June 24, and Aug. 1, 1868.
[55]*Mobile Daily Advertiser and Register*, Nov. 30, 1867.
[56]*Atlanta Constitution*, July 10, 1868.
[57]*Ibid.*, July 22, 1868; *Mobile Daily Advertiser and Register*, Nov. 5, 1867.
[58]*Atlanta Constitution*, July 19, 1868.
[59]*Southern Recorder*, July 29, 1870.
[60]July 30, Aug. 1, and July 24, 1868.
[61]*Ibid.*, June 23, 1868.
[62]Sept. 20, 1867.
[63]*Florida Peninsular*, Feb. 22, 1868.
[64]Nov. 5, 1867.
[65]Macon *Journal and Messenger*, Jan. 1, 1868.
[66]*Atlanta Constitution*, July 18, 1868.
[67]Foner, *Reconstruction*, p. 96.
[68]Edmund L. Drago, *Black Politicians and Reconstruction in Georgia: A Splendid Failure* (Baton Rouge: LSU Press, 1982) p. 29.
[69]*Mobile Advertiser and Daily Register*, Jan. 21, 1868.
[70]July 22, 1868.
[71]*Ibid.*, July 29, 1868.
[72]*Florida Peninsular*, Feb. 28, 1868.
[73]Tuscaloosa *Times*, Nov. 26, 1867.
[74]Sept. 9, 1865.
[75]May 31, 1865.
[76]June 23, 1866.
[77]*Mobile Daily Advertiser and Register*, Nov. 5, 1865.
[78]*Ibid.*, Jan. 26, 1866.
[79]*Florida Peninsular*.
[80]July 22, 1866.
[81]*Ibid.*, July 29, 1868.
[82]Macon *Daily Telegraph*, March 4, 1866.
[83]*Georgia Weekly Telegraph*, Sept. 2 and 27, 1867.
[84]*Southern Recorder*, Jan. 14, 1868.
[85]Savannah *Daily News and Herald*, April 17, 1867.
[86]March 3, 1866.
[87]Dec. 7, 1866
[88]See, Cal M. Logue, "The Rhetorical Appeals of Whites to Blacks During Reconstruction," 44 *Communication Monographs* (August 1977), pp. 241-51.
[89]Aug. 13, 1868.
[90]Savannah *Daily News and Herald*, July 22, 1867.
[91]Atlanta *Daily New Era*, Jan. 11, 1868.
[92]Oct. 10, 1867.
[93]Tuscaloosa *Times*, Jan. 31, 1872.
[94]Jan. 4, 1868.
[95]Gossett, *Race: The History of an Idea*, p. 265.
[96]See, e.g., Thomas H. Heuterman, Racism in Frontier Journalism: A Case Study," *Journal of the West* (April 1980), pp. 46-50; Cal M. Logue, "Racist Reporting During Reconstruction," 9 *Journal of Black Studies* (March 1979) pp. 335-350. Journalism historians generally approach the issue of race through studies of anti-slavery newspapers and editors, and black newspapers and editors – approaches more likely to conform to progressive ideals of American journalism.

The Buckley Amendment and Campus Police Reports

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Top Student Paper, Law Division

Concerns about campus crime have focused attention nationwide on the Buckley Amendment, a federal privacy law designed to protect education records. Some university officials and the U.S. Department of Education claim the Buckley Amendment demands confidentiality of names and other personal information on campus police reports. In 1991, however, student journalists won several court challenges for access to campus police records despite the Buckley Amendment. The amendment, named for its sponsor, former Sen. James L. Buckley, was approved by Congress in 1974 as the Family Educational Rights and Privacy Act (FERPA).[1] The legislation opened school records to students and their parents, but barred the release of academic, attendance and financial records to anyone else without the permission of the student or the parents.

Most states, however, have open records laws known as "sunshine laws" requiring public agencies to release records like police reports. Congress has considered amendments to clarify the right of access to campus police records, but no changes have become law. In the meantime several court cases have cleared the way for journalists to reach certain university records. Federal Judge Russell G. Clark decided in March 1991 that campus police records at Southwest Missouri State University are public records.[2] Clark held that withholding the crime reports is unconstitutional under the First Amendment and the equal protection guarantee of the Fifth Amendment of the Constitution.[3] In November 1991, a federal judge in Washington, D.C., ruled that the Department of Education may not threaten enforcement of the Buckley Amendment against schools that release campus law enforcement records.[4]

Student journalists and parents' groups have charged some universities invoke the amendment to hide a growing crime problem on campus. At several universities, reports of campus rapes came out only when friends of the victims contacted the campus newspaper. Campus police logs never mentioned the incidents.[5]

This paper will look at the question of access to information when state open records law and federal privacy rules appear to collide. How much access does the First Amendment guarantee in the face of a federal privacy law? What did Congress intend when it enacted FERPA and how has it been interpreted?

This paper will examine the legislative history and intent behind the act. It will consider how the Department of Education (DOE) has read FERPA and how Judge Clark interpreted its intent in *Bauer v. Kincaid.* In the aftermath section, the paper will examine the confustion at many universities after *Bauer.* Finally, this paper will look at *Student Press Law Center v. Alexander,* the most recent court case on the Buckley Amendment.

HISTORY AND INTENT OF FERPA

The Family Education Rights and Privacy Act was passed in 1974 to encourage schools to allow students and parents to see educational records and to limit the access of third parties.[6] Section (b)(1)(A) says

> *No funds shall be made available under any applicable program to any educational agency or institution which has a policy or practice of permitting the release of education records...of students without the written consent of their parents to any individual, agency, organization...*

Before the act, most schools allowed school personnel, law enforcement agencies, welfare and health department workers and other government employees almost carte blanche access to school records, according to a report by the National Committee for Citizens in Education (NCCE).[7] Yet only 12 states allowed parents any access to their children's files, the committee said. When mistakes or inaccurate information found its way into the records, that information could follow a child through school. Parents could not make changes without an opportunity to review school records or challenge them. The office of Sen. Buckley, a New York Conservative, became aware of the state of school records through a feature in *Parade* magazine.[8]

Buckley introduced Amendment No. 1289 for Protection of the Rights and Privacy of Parents and Students on May 9, 1975, on the Senate floor.[9] The amendment was one of dozens the Senate considered adding to the already voluminous Senate Bill 1539. The bill, intended to extend the Elementary and Secondary Education Act of 1965 for five years, also extended and amended "virtually every federal aid to education law on the books," according to *Congressional Quarterly*.[10]

Just five days later, on May 14, the Senate adopted Buckley's amendment after less than an hour of discussion.[11] Several senators, especially Ted Stevens of Alaska and Claiborne Pell, chairman of the education subcommittee, were concerned that no hearings were held. Few educators were aware of the bill.

The amendment, which came in the midst of the Watergate investigation, was perceived as a parental rights bill designed to halt government intrusion. Buckley reminded the Senate of the lessons learned from Watergate.[12] He noted that the Watergate revelations had emphasized the dangers of government data gathering and the abuse of personal files. "My amendment will help to provide parents with access to their children's school records, to prevent the abuse and improper disclosure of such records and data, and to restore the rights of privacy to both students and their parents," Buckley said.[13]

After a brief discussion of the amendment, senators voted to delete one section that required parents' permission before their children took certain tests or participated in certain "experimental or attitude-affecting programs."[14] The rest of the amendment passed with few changes on a voice vote without a roll call. The Senate was preoccupied with other, seemingly more important concerns during May. Senators were hotly debating whether to limit busing students to achieve racial balance in the schools. At the same time, the House Judiciary Committee was considering impeaching President Nixon for his failure to cooperate with the Watergate investigation.[15]

After the House accepted a bill similar to the Buckley Amendment, a conference committee of Senate and House legislators adopted the Buckley Amendment and it was signed into law on Aug. 21, 1974.[16] Campus police reports were not mentioned in the original law. By early fall, education groups and officials learned of the new law and began calling Sen. Buckley's office to object to the new rules. After educational institutions

and other interested parties launched a massive letter-writing campaign to members of Congress, the education subcommittees and the Department of Health, Education, and Welfare (HEW) Legislative Office worked out a compromise measure.[17] Pell, chairman of the education committee, and Buckley sponsored the amendment. The revision, which became known as the Family Educational Rights and Privacy Act, was attached to Senate Joint Resolution 40.[18]

Buckley and Pell issued a joint statement in December 1974 to explain their revision.[19] The changes nearly doubled the length of the law and covered items such as the rights of parents to challenge records, the rights of postsecondary students to access records and the confidentiality of recommendation letters. Perhaps most important, the revision defined education records generically and added a list of exceptions. The exceptions included teachers' and administrators' private notes, medical and psychiatric notes, and school law enforcement records.[20]

Police records were covered in one of the most awkward and ambiguous paragraphs of the amended act. The act said campus police records are not subject to FERPA "if the personnel of a law enforcement unit do not have access to education records..., the records and documents of such law enforcement unit which (1) are kept apart from (education) records described in subparagraph (A),(II) are maintained solely for law enforcement purposes and (III) are not made available to persons other than law enforcement officials of the same jurisdicaiton."[21]

Buckley and Pell briefly referred to the changes in their joint statement. They explained that campus police records of a campus office would be excluded "if its personnel are not allowed access to a student's education records, and if its records on a student are used solely for law enforcement purposes and are only available to other law enforcement officials of the same jurisdiction."[22] The Senate approved the amendment after a brief discussion and sent it to a conference of Senate and House members. With some minor changes, the revision was passed and signed into law on Dec. 31, 1974.[23]

INTERPRETATION OF FERPA

Many school administrators overreacted to the law when they realized that if they failed to comply, federal funding for their schools could be cut off. School officials took the wording of the new law to be all-encompassing and refused to release the names of cast members in a play, heights and weights of athletes, and honor roll lists. School attorneys warned that the law prohibited the release of most student information without consent from the student or their parent.[24] Some of the law's ambiguities were cleared up in January 1975 when the HEW ruled that schools could release "directory information," such as a student's name, address, and telephone number.

Although Congress created the law in less than six months, it took HEW 18 months to issue rules to help in administration. One of the problems was that Congress did not authorize any money to implement the law.[25] Once the rules came out, HEW said it needed some time working with the law before it could make final changes.[26]

The way Congress adopted FERPA – without hearings and with major changes one month after it became law – led to problems in interpretation and implementation. Education officials and other groups testified about these difficulties at a hearing in Washington, D.C., in August 1977.[27] Some of the most detailed recommendations came from the Privacy Protection Study Commission, which considered education records as part of its Congressionally-mandated study of the use of data banks and information systems in the public and private sectors.[28] David Linowes, chairman of the commission, told the committee in prepared remarks that educators

were gradually getting used to the rules.[29] Because FERPA left each educational institution the responsibility for defining and enforcing its own rules for protection of records, different schools interpreted the act in different ways. While some officials perceived this ambiguity as a strength, leaving each institution some flexibility, it also led to confustion.[30]

One of the confusing areas was law enforcement records. The exemption for law enforcement records continued to be a problem area.[31] Congress attempted to balance competing interests by "keeping police out of school records and students out of investigative records," one official said.[32] However, old practices that allowed a freer exchange of information were slow to die, he said. And some media representatives argued the provision was a restriction on the First Amendment.

To qualify for the exclusion, police records had to be maintained separately from other education records and no exchange of information between those records and other education records was permitted. The privacy commission explained FERPA tried to build a wall between the records maintained by the police unit and those maintained by the rest of the educational institution.[33] If the educational institution and the police unit shared any records, all the records of the police unit would would become subject to FERPA's access provisions.

None of the recommendations suggested by the privacy commission or other speakers ever appeared in later amendments. At the hearing, speakers encouraged legislators to expand the privacy provisions of the act, to open files to college applicants, and to allow a student or parent to bring a private suit against an educational institution and recover attorney's fees. The only changes to the act since 1974 have been minor technical ones, perhaps because the law appeared to be working better than expected. Legislators may have wanted to leave the act alone, rather than get entangled in controversial new amendments.

THE BAUER CASE: STUDENT JOURNALIST TAKES ON THE UNIVERSITY

The legislative intent behind FERPA became an issue in 1990 in a suit filed by a college newspaper editor. When Southwest Missouri State University (SMSU) officials refused to let student journalists see a report of an alleged rape involving a varsity basketball player, *Southwest Standard* editor Traci Bauer took them to court and won. U.S. District Judge Russell G. Clark ruled in March 1991 that the university may not keep campus crime reports private.[34] University officials had argued crime reports were considered private education records under FERPA. Department of Education officials supported the university, claiming that federal funds could be withdrawn if university officials violated the federal privacy rules.

In *Bauer v. Kincaid*, Clark ruled that the university must release the incident reports.[35] "The criminal investigation and incident reports are not exempt from disclosure under the Missouri Sunshine Law or protected as educational records by FERPA," Clark said, "If FERPA is interpreted otherwise, to impose a penalty for disclosure of the criminal investigation and incident reports, it is unconstitutional."[36]

Clark's opinion provided a boost for student journalists, media advocates, and the Student Press Law Center (SPLC). The opinion was "stronger than any of us imagined," said Mark Goodman, director of the SPLC in Washington, D.C. "It was a pleasant surprise."[37] Goodman said the center was pleased that the ruling tied the university violation to First Amendment rights as well as state law. The court could have handled the suit as just a violation of state open records laws. In his ruling, Clark advocated a liberal interpretation of state sunshine laws, referring several times to the legislature's intent to open records to the public. Clark resolved the apparent conflict between the federal Buckley Amendment and the state's sunshine laws by looking at the reasons behind the legislation and how public

policy could best be served.

Judge Clark concluded that Congress intended the law to protect student educational records, not police records. "Nothing in the legislative history of FERPA refers to a policy or intent to protect campus law enforcement records which contain students names or other personally identifiable information," he said.[38] Just because a person enrolls at a state university should not entitle him to any greater privacy rights than members of the general public, as far as crime reports are concerned, the judge explained.

FERPA AND THE CONSTITUTION

Bauer alleged university officials violated her Fifth Amendment right to equal protection[39] by treating students differently than the general public. If FERPA is interpreted to impose a penalty on schools that disclose such crime reports, it is unconstitutional because it creates arbitrary classifications of student and non-student criminals and victims that results in unequal police protection, she argued.[40] To test her claim, Judge Clark looked to the legislature's objective in enacting the statute and whether the classification was rationally related to a legitimate governmental interest. He concluded that the classification is not rationally related because students are treated differently than the general public, violating the Constitution.[41]

"The Court finds nothing in the language of the statute or its legislative history which indicates that student criminals, witnesses, or victims should be granted special privacy privileges," Clark said.[42] "By the same token, a student should not be denied access to information concerning student criminals, victims, or witnesses merely because of his or her status as a student."

In the last section of his opinion, Clark discussed whether FERPA violated Bauer's First Amendment rights. In his analysis, Clark faced the familiar question of whether *Richmond Newspapers v. Virginia*[43] recognized a First Amendment right of access to newsworthy government information. Clark concluded that student journalists and the public do have a right of access to campus police reports. He noted, however, that the Supreme Court has held that journalists have no greater rights than the public.

The Supreme Court has referred to the First Amendment right to receive information and ideas, Clark said. "It is also surely one of the purposes of the First Amendment to enable the public to scrutinize the actions of government through access to government information."[44] State courts have generally held that at least some crime reports are constitutionally required to be available to the public, despite competing interests such as a suspect's right to privacy.[45]

By finding Constitutional grounds for allowing Bauer access to police reports, Clark went beyond enforcing state open records laws. He also moved into dicta,[46] because he already had decided that state sunshine laws allowed access and FERPA did not apply. Clark extended the right of access to government information that the Supreme Court recognized in *Richmond Newspapers* to police records. This finding may be a questionable extension of *Richmond*, because *Richmond* involved access to courts based on a tradition of openness and *Bauer* involved access to police records.

THE AFTERMATH OF BAUER

Southwest Missouri State University opened campus police reports to the student newspaper soon after the *Bauer* case was decided in 1991.[47] The Board of Regents chose not to appeal after spending some $40,000 defending the case.[48] The Department of Education, however, attempted to

intervene and join the suit. Judge Clark found the department had acted too late to intervene.[49]

Although *Bauer* apparently settled the law at SMSU, many universities still did not release their police reports. They were worried about losing their federal funding if the Department of Education followed through on its threat to enforce a penalty against schools who made campus crime reports available to the press. Fourteen universities received warning letters from the department in February 1991, while *Bauer* was in court.[50] The letter explained that the records of a campus law enforcement unit become education records once they are disclosed to the press.[51]

The department learned about the 14 schools that released police reports because of a survey introduced into evidence in the *Bauer* case, said LeRoy S. Rooker, director of the DOE's family policy compliance office. When his office learned of the "misunderstanding" on the part of those schools, it mailed letters to the universities explaining that police record information is confidential. The letters were only an effort to offer "technical assistance" to the schools, Rooker said.[52]

The DOE has continued to maintain that the Buckley Amendment makes most campus police records confidential, despite Judge Clark's ruling. "The law still says what it does," Rooker said. "We have a responsibility to enforce it (the law) unless it is changed."[53] Many university officials felt trapped between the federal privacy act and conflicting state open-records laws. Most states have open records laws similar to Missouri that require police agencies to release their incident reports. But with large sums of federal money at stake, universities didn't want to take any chances. Many police departments did not disclose names or incident reports during the fall of 1991, Goodman said.

Other courts, however, have followed the precedent of *Bauer*. Arkansas Circuit Court Judge Harry F. Barnes ruled in *Rosa Jones v. Southern Arkansas University* that campus police reports are not education records protected by FERPA.[54] Rosa Jones and Shea Wilson, student editor of *The Bray*, sued the university in March 1990 for refusing to release university crime reports. They argued the university violated the Arkansas Freedom of Information Act when it failed to release records. The university cited FERPA and said it would jeopardize its federal funding if it released the records.[55]

In an April 16 letter to the parties, Judge Barnes stated that the facts in Jones were very similar to those in the Missouri case of *Bauer*. Judge Barnes substantially adopted the *Bauer* findings. He held that student journalists are entitled to "full and complete information as it is contained in the incident reports."[56]

In Florida, the University of Florida continued to release police records under a 1986 state court order that UF attorneys said protects the university from any DOE action.[57] In *Campus Communications v. Criser*, the Eighth Judicial Circuit Court ruled campus police records were not educational records and should be open.[58] The ruling was based on the state's Public Records Law and FERPA was not an issue. In its defense, the university relied on a state educational privacy law.

Judge Carlisle said education records such as test scores and aptitude tests are properly classified as confidential.[59] However, a student's enrollment at a state university does not entitle him to any greater privacy rights than members of the general public when it comes to reporting criminal activity. "The Florida Legislature never intended to make university students a specially protected class of crime victims," Judge Carlisle wrote.[60]

A Congressional solution would be one way to end the confusion for universities and journalists. Two amendments to FERPA were proposed in 1991 but neither made it through the legislative process. Both would have allowed universities to release campus crime reports. Lamar Alexander, the secretary of the Department of Education,[61] proposed excluding campus

crime reports from the education records category of FERPA.

Until Congress passes an amendment making the change, the department must enforce the law as it is now written, Rooker says. Law enforcement records have always been excluded from FERPA as long as they were maintained in a certain fashion, he explained. The law requires the police records be kept apart from education records, maintained solely for law enforcement purposes, and not made available to persons other than law enforcement officials of the same jurisdiction, he said. The proposed legislative changes would merely remove these three requirements, making it clear that all law enforcement records kept separately from education records are excluded, Rooker explained.[62]

The DOE has never actually withdrawn any federal money from an institution. It always obtains voluntary compliance with FERPA because of its leverage with federal money.[63]

A NEW DECISION

In an attempt to resolve the confusion about FERPA, the Student Law Press Center sued the Department of Education.[64] In November 1991, Federal Court Judge Stanley Harris granted a preliminary injunction stopping the DOE from taking any action to withhold funds.[65] He ordered the DOE not to withdraw or threaten to withdraw federal funding of a university because the institution provides public access to law enforcement records. He also ordered the DOE not to issue technical assistance letters asserting the authority to withdraw federal funding.

The court ruled that the Student Press Law Center had a substantial likelihood of success on the merits of its claim that the DOE's use of the federal law violated the First Amendment. "The right to receive information and ideas is an inherent corollary of the rights of free speech and press that are explicitly guaranteed by the Constitution," Judge Harris said. "Defendants (DOE) have not offered a single justification for preventing universities from disclosing the names of students involved in criminal activity. The Government must assert some interest that outweighs the public's First Amendment right to receive information."[66] In one sentence, Harris dismissed the Fifth Amendment concern, saying the journalists did not show how it applied.[67]

The press center was joined in its suit by three student journalists: Lyn Schrotberger, editor of the *Rocky Mountain Collegian* at Colorado State University student newspaper in Ft. Collins, Colo.; Sam Christy, editor of the *Daily Beacon* at University of Tennessee; and Clint Brewer, former editor and president of the campus Society of Professional Journalists chapter at Tennessee.

The DOE filed a motion to dismiss the action in January 1992, with a 40-page brief explaining why its interpretation of FERPA does not involve any "legitimate First Amendment interest."[68] The DOE argues that the governmental interest involved in restricting FERPA's release of campus crime reports outweighs the public's First Amendment right to receive information. FERPA does not make public release of information involving students either illegal or impossible to accomplish in practice, the brief said. All a university has to do is segregate its law enforcement unit from all other university functions and "hand-carry or telefax" its arrest and incident reports to another law enforcement entity, such as a local or state police department.[69] Even though this procedure might seem cumbersome, the DOE's attorneys argue that Congress could have rationally thought it would be better for campus crime reports to be screened by an outside law enforcement agency before release to the public. "It seems prudent enough to require the campus unit to defer to the judgment of off-campus authorities in determining what basic crime-report information can safely be released to the public in the immediate aftermath of a crime or arrest," the

brief stated. "Local police are more likely to be experienced in such delicate matters [than campus police]."[70]

Several college newspapers have said their schools continue to deny access to campus police records because of fear the DOE will withdraw their federal funds, according to Mark Goodman of the SPLC.[71] These newspapers include student publications at Jacksonville State University in Alabama, Sam Houston State University in Texas, the University of Dayton in Ohio, and Temple University in Pennsylvania.

CONCLUSION

Resolving the conflict between open records laws and federal privacy law on campus police reports should be easy. Almost everyone involved – including the Department of Education – now agrees in theory that journalists and the public should have access to campus police records, regardless of FERPA. The problem is opening campus police records officially and nationally.

The *Bauer* decision opening SMSU police records in Missouri already has influenced courts. Judge Harris cited *Bauer* as support for his ruling in *Student Press Law Center*. The federal court decision in Washington, D.C., has national implications because it controls the DOE. The opinion is strongly worded and considers the merits of the case, so no permanent injunction may be required. Thus, even if Judge Clark's discussion of the constitutional issues of FERPA was dicta, it is dicta accepted by other courts.

However, the DOE's detailed brief accompanying its motion to dismiss shows it has not yet given up the fight. The DOE uses Congressional documents to argue that Congress could have intended to release information only through local off-campus police departments. This interpretation seems unlikely and farfetched based on FERPA's history. Given Buckley's concern about parental rights, he might be swayed by the current worries of students and parents about campus crime. Several parent groups support laws that would open campus police records to the public so that parents and students could better judge the safety of their schools.

The legislative history also shows the unusual route Congress took in approving the Buckley Amendment. First, the amendment required both access and privacy – two elements not usually handled well together in one brief bill. Second, the hearings on the amendment came three years after the law was passed instead of when it was under consideration in Congress. Senators reacted after the fact to concerns of education officials. Finally, the law enforcement provisions were added with virtually no recorded discussion. This exception to FERPA – the most ambiguous and troublesome part of the law – has virtually no legislative history. The language is awkward and confusing, making it easy for different groups to interpret it differently.

Congress adopted the Buckley Amendment when legislators were preoccupied with Watergate. Congress apparently saw FERPA as an access law requiring schools to be more accountable to students and their parents. When the law is viewed in that light, keeping police records secret seems to work against the interest of most students and their parents.

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[1]20 U.S.C. § 1232g (1988).

[2]Bauer v. Kincaid, 759 F. Supp. 575, 595 (W.D.Mo. 1991).

[3]Id. at 594.

[4]Student Press Law Center v. Alexander, 778 F. Supp. 1227 (D.D.C. Nov. 21, 1991).

[5]Eleanor Randolph, "Students Say Colleges Use Law to Hide Bad News, Schools Say Funding Would be Lost if Privacy Guidelines Are Violated," *The Washington Post*, Nov. 30, 1989, p. A22.

[6]20 U.S.C. § 1232g (1988).
[7]National Committee for Citizens in Education, *Children, Parents and School Records,* cited in "Record Keeping in the Education Relationship," *Personal Privacy in an Information Society: The Report of the Privacy Protection Study Commission,* July 1977 at 412.
[8]"How Secret School Records Can Hurt Your Child" *Parade* Magazine (March 31, 1974). Printed in 120 CONG. REC. 13,953 (1974).
[9]120 CONG. REC. 13,951 (1974).
[10]13 CONGRESSIONAL QUARTERLY 1334 (1974).
[11]S. Res. 1289, 93rd Cong. 120 CONG. REC. 14,580-14,596 (1974).
[12]The Senate Judiciary Committee was investigating alleged political dirty tricks by Republicans including a break-in at Democratic headquarters at the Watergate building.
[13]120 CONG. REG. 13,952 (1974).
[14]Id.
[15]"Watergate: A Renewed Climate of Confrontation," 12 CONGRESSIONAL QUARTERLY NATIONAL REPORT 1327 (May 25, 1974).
[16]Elementary and Secondary Education Act, Public L. No. 380 (1974).
[17]*Personal Privacy in an Information Society: The Report of the Privacy Protection Study Commission* at 413.
[18]120 CONG. REC. 39,858 (1974). This resolution authorized the president to call a White House Conference on Library and Information Services in 1976.
[19]"Joint Statement in Explanation of Buckley/Pell Amendment," 120 CONG. REC. 39,862 (1974).
[20]Id.
[21]20 U.S.C. § 1232g(B).
[22]Joint Statement, supra, at 39,862.
[23]Public Law 93-568.
[24]Farmer, Gerri and Shipman, Marlin, "The Buckley Amendment: Some Uses and Effects in Six Southwestern States," *Southwestern Mass Communication Journal,* vol. 6, no. 2, 1990-91 at 43.
[25]Privacy study report, supra, at 416.
[26]"Final Rule on Education Record," *Federal Register,* June 17, 1976.
[27]*Hearing on Education Act, H.R. 15, before the Subcommittee on Elementary, Secondary and Vocational Education of the Committee on Education and Labor, House of Representatives,* 95th Cong., 1st Sess. (1977).
[28]*Hearing* on H.R. 15 at 26 (Statement of David F. Linowes, chairman of the Privacy Protection Study Commission). To evaluate the merits of FERPA as a privacy protection statute, the commission held four days of public hearings at which 56 witnesses testified in 1976. The witnesses represented parents, students, professional educators, administrators and government agencies. At that time, the final regulations had been in effect less than nine months.
[29]Id. at 28.
[30]Privacy study report, supra, at 416.
[31]*Hearing* at 23, (Statement of Thomas McFee, deputy assistant secretary for Management, HEW) at 23.
[32]*Hearing* at 19.
[33]Privacy study report, supra, at 421.
[34]Bauer at 581.
[35]Id. at 595.
[36]Id.
[37]Telephone interview with Mark Goodman, director of the Student Press Law Center in Washington, D.C. (July 10, 1991).
[38]Bauer at 591.
[39]The Fifth Amendment guarantees due process of law to U.S. citizens.
[40]Bauer at 591.

[41]Clark's discussion of the Constitution and FERPA could be considered dicta-language not necessary to the case ruling, because the case was decided on statutory grounds. Clark used state law and federal law to decide the ruling.
[42]Id. at 593.
[43]448 U.S. 555 (1980).
[44]Bauer at 594.
[45]Id. citing Houston Chronicle Publishing Co. v. Houston, 531 SW2d at 177, 186 (Tex. Civ. App. 1975).
[46]Dicta is language in a judge's opinion that does not embody the precise holding of the court and that goes beyond that facts of the case. It is not binding in subsequent cases. *Black's Law Dictionary, Abridged Fifth Edition.*
[47]Telephone interview with Goodman (July 18, 1991).
[48]Jerry Nachtigal, "Open records suit engulfs student's life," *Gainesville Sun*, May 8, 1991, page 1A.
[49]"State Sunshine Law Applies to Reports, Declares Missouri Federal Court Judge," *Student Press Law Center Report*, Spring 1991, p. 8.
[50]The threatened schools were: Arizona State, Colorado State, Georgia, Idaho, Illinois State, Iowa State, Kentucky, Louisiana State, James Madison, Maryland at College Park, Memphis State, the University of North Carolina at Chapel Hill, Oakland and Western Kentucky.
[51]Letter from LeRoy S. Rooker, director of family policy compliance office, DOE, to universities (Feb. 22, 1991).
[52]Telephone interview with Rooker (July 11, 1991).
[53]Id.
[54]Jones v. Southern Arkansas University, No. CIV-90-88 (May 1991).
[55]"Arkansas Circuit Court Adopts Findings in Missouri Case and 'Rules in Like Fashion,'" *Student Press Law Center Report*, Spring 1991, p. 8.
[56]Letter from Harry F. Barnes, Arkansas Circuit Judge, 13th Judicial Circuit (April 16, 1991).
[57]Jack Wheat, "Court order allows police at UF to release names," *The Gainesville Sun*, May 8, 1991.
[58]Campus Communications v. Criser, 13 Med. L. Rptr. 1398 (Fla. 1986).
[59]Criser at 1399.
[60]Id.
[61]Press release from Department of Education (July 11, 1991).
[62]Rooker, (July 18, 1991).
[63]Student Press Law Center v. Alexander, 778 F.Supp. 1227, (D.D.C. Nov. 21, 1991).
[64]Press release from the Student Press Law Center (Nov. 21, 1991).
[65]Student Press Law Center at 1234.
[66]Id. at 1234.
[67]Id. at 1233.
[68]Defendants' Memorandum in Support of Their Motion to Dismiss, p.5, filed Jan. 17, 1992.
[69]Id. at 10.
[70]Id. at 15, 16.
[71]Student Press Law Center Press Release, Jan. 27, 1992.

Measuring Mass Media Orientation

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Top Faculty Paper, Newspaper Division

Today's young adults have grown up with constant visual stimulation from the electronic media. Recent studies within the newspaper industry suggest ways to market and target adults under the age of 35 who are at-risk newspaper readers or potential readers, 26% of the entire population (American Society of Newspaper Editors, 1991). Many newspapers are shifting toward a more visual, graphic presentation of the news to appeal to younger readers, who perceive the time and effort to read the newspaper as a "chore." On an average day, 59 percent of today's teenagers do not even pick up a newspaper (Cobb-Walgren, 1990, p. 340).

The larger question posed by this declining trend in newspaper readership is: Are young adults increasingly oriented toward the visual, electronic media, away from the traditional print media? This study sought to test the hypothesis that people can be categorized as being either non-print (visual) in orientation or as having a clear print orientation, based on several scales of media use.

Orientation, as defined here, goes beyond reliance or dependence on the media for specific content information. Rather, the term encompasses *the use of preferred media over time* that develops into a pattern, a direction toward habitual reliance on certain mass media.

Although much media orientation research includes valuable studies that measure knowledge gained, uses and gratifications, and dependence on media content, this study is divorced from content or knowledge acquired through media use. Instead, the study merely asks: Can people be distinguished as either non-print or print-oriented?

If individuals choose to read books, magazines and newspapers more than they use electronic media, perhaps they can be distinguished as primarily reliant upon the printed word. Conversely, people who spend more time watching television, video tapes and movies might then be classified as visual or non-print oriented. Also, people with a heightened aural sense who spend free time listening to records and radio might join their visual counterparts with a non-print, aural-visual orientation.

Being able to distinguish print from non-print orientation is essential if mass media researchers hope to investigate theories offered by Marshall McLuhan, who hypothesized cultural changes based on linear versus mosaic thought nearly 30 years ago (McLuhan, 1964, 1978). McLuhan ominously predicted that television and electronic information would so drastically alter the way young people think that reading and the print media would become obsolete. Before exploring the theoretical basis behind an apparent shift in young adults away from reading and the print media in general, it is crucial to determine if people can actually be distinguished as either print or non-print oriented. Recent studies have attempted to establish this print/non-print dichotomy, but their success has been hampered by methodological difficulties that have prevented clear discrimination between people with print or non-print orientations.

This study attempts to test measurement tools that might differentiate between print and non-print orientation including: 1) questions addressing

early media use; 2) a scale of teenage media activities; 3) a scale on cognitive styles that distinguishes verbal skills from imagery; 4) questions on frequency of use of newspaper and television; 5) a new "relative constancy" scale on leisure-time activities; and, 6) an individual's self-appraisal of media orientation.

Media Orientation Concept

The literature on media dependence, reliance, use and orientation over the past decade shows that researchers in the '90s continue to refine definitions. Early researchers conflicted on whether simple exposure to a medium or people's frequency of using that medium indicates dependency or reliance. For instance, does frequency of use of the newspaper versus television mean that a person is primarily dependent upon one medium over the other? What does it mean to be television-reliant or newspaper-dependent?

The development of media orientation literature shows an evolution from measurements that tested frequency of use and reliance to more complicated theories of multidimensional media orientations. Any traditional dichotomy between television and newspaper use based on frequency blurs when people actively seek information for a surveillance motivation, especially in the large body of research that focuses on how people acquire knowledge from the media (e.g., Allen & Chaffee, 1979; Becker & Whitney, 1980; Blumler & McLeod, 1974; Blumler & McQuail, 1969; Culbertson & Stempel, 1986; Gandy, Matabane & Omachonu, 1987; Shoemaker, Schooler & Danielson, 1989).

Definitions of people's media use, dependency and reliance blurred even further when researchers tried to refine models on reliance and orientation in studies that used knowledge of politics or public affairs as the dependent variable (e.g., Becker et al., 1979; McLeod et al., 1977; McLeod & McDonald, 1985).

Dependency on television news for public affairs information explored by Becker and Whitney (1980) showed that television-dependent people were more likely to have negative attitudes about local government than newspaper-dependent people. Indices directly asked people how many days a week they read the newspaper or watched the evening news broadcast for political information and news. According to Becker and Whitney, *media dependency* means: "Audience members are dependent on a given medium to the extent they have needs which are being fulfilled by the medium" (p. 99).

Using the terms "newspaper reliant," "television reliant" or "other reliant," McDonald (1983, p. 513) investigated the difference between *primary reliance* on a medium and frequency of use for public affairs content. Subjects ranked reliance on newspapers, television, radio, family and friends for political information. Subjects also reported how often they read the newspaper or watched television for news purposes. McDonald had problems measuring media effects overall when reliance was separated from political content.

McLeod, Glynn and McDonald (1983) questioned whether *exposure* to a medium for political information indicates *reliance* on that medium. Investigating people's reliance on television rather than newspapers and the subsequent effect on the way a person votes in a presidential election, they found that TV people relied more on the "image" of candidates in voter decisions but were no less issue-oriented than newspaper-reliant voters. Reliance had less to do with exposure and more to do with what people are seeking in their media use.

McLeod and McDonald (1985) used the term *media orientations* to synthesize the concepts of use, dependency, reliance and frequency. The researchers measured orientation by: time spent, exposure to particular content, degree of reliance, level of attention and motivation for use.

Again, subjects reported how many hours they spent watching television and how many days they spent reading newspapers. To determine reliance, people ranked their primary sources for political information from five media. The results showed a correlation between frequency of use and media reliance, even though the researchers found that simple exposure to a medium does not necessarily result in political knowledge.

A 1985 study by Faber, Reese and Steeves used time diaries to measure what people mean when they say they rely on a medium. Again, researchers concentrated on news content. Working women who said they were newspaper-reliant or television-reliant for news information did indeed spend more time using that medium. The researchers suggested, however, that simple *exposure* to a medium is only one aspect of media reliance.

Culbertson and Stempel (1986) made a clearer distinction between use and reliance, suggesting that reliance on media is more a state of mind or "trust" in a medium (p.586). Their study separated the variables of reliance, media use and *focused media use*. Results indicated that focused TV news correlated more highly with knowledge of issues than did general TV media use. Moreover, both focused and general use of newspapers had strong correlations with knowledge measures. The researchers found that knowledge acquired about a state tax referendum was more dependent on motivations or *intentions* in media use, meaning that people who intend to find information will select the medium that they trust.

Another study on media reliance and knowledge distinguished between topic specific reliance, general media use and active *involvement*. Gandy, Matabane and Omachonu (1987) found that students' motivation and level of intellectual interest in the conflict in South Africa are the strongest predictors of knowledge about it, rather than reliance on or general use of certain media.

Evolution in the literature reviewed here shows that media orientation research involving content and knowledge is moving away from measurements based on frequency of use or reliance upon television and newspapers for a specific topic for a particular gratification. Instead, researchers are employing multidimensional measurements that include a person's intent and involvement. This shift in the literature suggests that media orientation research has much to do with what goes on inside an individual's mind while using a medium.

Orientation and the Mind

In a recent study on knowledge and the individual's involvement with the media, Shoemaker, Schooler and Danielson (1989) built upon McLeod and McDonald's 1985 model of media orientations to explore differences in individuals' knowledge of election information. Their instrument included measurements to test cognitive and affective involvement with the media. What they found tends to support Krugman's (1977) knowledge theory that television viewers exhibit right-brain cognitive processing with low-involvement, while newspaper readers show high-involvement, left-brain cognitive processing.

McLuhan believed that the left hemisphere is the verbal, written, logical, mathematical, analytical side of the brain, while the right is the intuitive, global, imagistic, artistic and creative side (McLuhan, 1978, p. 55). He theorized that television viewing is a right-brain activity, whereas print is left, and that cultural patterns of thinking change in societies when print is introduced. Processing print stresses logical, sequential, lineal thinking so that literate civilizations become left-brain dominant (McLuhan, 1964). With the advent of television and the electronic age, however, "literate" man may be returning to the simultaneous, holistic, mosaic thinking patterns of preliterate civilization.

Because reading and speaking involve the left hemisphere while perception of images involves the right, Krugman also said that the medium of print is a left-brain function, and TV largely a right-brain function (Krugman, 1977, p. 8). Shoemaker et al. used Krugman's knowledge theory to see if there was a difference in the cognitive processes of television viewers versus newspaper readers. The researchers tapped political information from respondents who watched TV news through multiple-choice, close-ended questions that simply asked people to *recognize* information, a right-brain function. They asked newspaper readers to *recall* information through open-ended questions, a left-brain function. Their results showed that young people who relied on newspapers could recall more information.

Despite these recent communications studies that cite McLuhan and theories on brain hemisphericity, the field of cognitive psychology suggests that it is an oversimplification to dichotomize television viewing as a right-brain activity and reading as a left-brain activity. While reviewing the history of brain hemisphericity, Springer and Deutsch (1981) caution that although there are differences in the two hemispheres in terms of what they can process best and how they process, there has been a blurring of the lines between fact and fantasy that has led to "dichotomania." In the normal human brain, it is the integration of the two hemispheres, the use of both sides of the brain, that best describes how the mind works. Almost any higher mental function involves more than the actual specialties of either hemisphere and uses what is common to both hemispheres (Springer and Deutsch, 1981). There is little evidence in cognitive psychology to support either Krugman's or McLuhan's contentions that brain hemisphericity is the key to understanding the cognitive processes of television viewers or readers.

What may better explain why some people feel more comfortable watching television rather than reading a newspaper involves preferred cognitive styles of learning and thinking. In a model on how individual differences in cognitive processes can be linked to specific learning styles, Miller (1987) presents a continuum that ranges from *analytic* to *holistic* styles. Among the many cognitive characteristics that each of these styles represent, the analytic style involves a person's ability to best process analytic and verbal codes, to use serial processing and actuarial judgment. At the holistic pole, a person uses analog and visual codes, holistic classification and intuitive judgment (Miller, 1987). It could be that children raised on television, rather than reading, would develop holistic and visual styles of thinking and learning while those raised in an atmosphere that stresses reading would become more analytical and verbal. In short, if it is easier to process visual information, then people will prefer electronic media rather than print. Conversely, if people think and learn best at the analytic and verbal pole on the continuum, they may choose printed material for information and pleasure. Although brain hemisphericity may have little to do with media use, cognitive preferences may influence a person's media orientation.

The present study's measurements, then, are based on the principle that some people are more imagistic and visual in thinking processes, while others are more verbal and lineal, and that these preferred styles of reasoning and thinking may coincide with media orientation. People who are imagistic or visual thinkers were expected to be non-print oriented, and conversely, people who are adept in verbal skills, both reading and writing, were expected to be print-oriented.

This study used a scale adapted from one developed by Paivio and Harshman (1983) and selected heavily loaded factor items to distinguish between verbal and imagistic processing. The scale included: verbal expression and fluency; self-reported reading difficulties; concern with correct use of words; habitual use of imagery; use of images to solve problems; and, vividness of dreams, daydreams and imagination.

Orientation and Activities

If media users are more comfortable with the printed word in their thinking, perhaps they might also be at ease in the world of print activities: reading books, magazines and newspapers, or writing letters. A connection was expected also between non-print or visual orientation and activities such as watching television and videos, or perhaps listening to records, tapes and radio. In a scale of teen activities and media use, subjects were asked to recall how they spent their free time after school when they were teenagers, including non-media activities (going to the mall, playing sports and talking on the telephone) to mask the questionnaire's intent.

To investigate the early establishment of childhood media orientations, the questionnaire asked subjects to recall how often they read books for pleasure when they were between the ages of 8 and 12. This line of inquiry stems from extensive evidence in mass communication research about children's early ingraining of media use (e.g., Schramm, 1949; Schramm et al., 1961; Stevenson, 1977; Stone & Wetherington, 1979).

Another of the literature's well-ingrained themes carries early media exposure through to media use at later stages in life. This principle is the concept of habitual reliance on certain mass media (e.g., Dimmick & McCain, 1979; Rubin, 1984; Verville, 1988; Stone & Stone, 1990). If the same scales consistently measure media orientation at different points in a subject's life, an assumption can be made that orientation is lasting rather than transitory.

Finally, this study develops and tests a concept proposed 20 years ago (McCombs, 1972). Since being offered as a theory, relative constancy has received scant attention in the literature. It was updated (McCombs & Eyal, 1980), reproached (Wood, 1986) and now is being reconsidered (Fullerton, 1988; Son, 1990).

Relative constancy offers several precepts about spending on the mass media. The concept used in the present study is that people have a limited amount of *time* to spend on the mass media. One measure of media use, and possibly of an individual's media orientation, is a scale developed to "give" subjects an allotted amount of time and ask them to spend it on the mass media as they wish. This study offered subjects 100 hours of free time and asked them how many of the 100 hours they would spend on each of several mass media.

Hypotheses

Based on the literature reviewed, the study tested the concept that individuals can be differentiated by their media use orientations into a non-print or print orientation through multiple scales.

H1: *Individuals can be differentiated by their media orientations into a print or non-print orientation that can be measured by multiple scales.* This major hypothesis led to research questions about each particular scale included in the study and possible intercorrelations.

Research Question 1: Does frequent reading of books for pleasure as a child relate to print media orientation?

Research Question 2: Does the frequency of engaging in certain media-related leisure activities as a teenager distinguish between print and non-print orientation? If so, what leisure activities constitute each orientation?

Research Question 3: Do cognitive styles of thinking and learning relate to media orientation?

Research Question 4: Does the amount of time young people spend watching television (hours per day) and reading the newspaper (days per

week) correlate with media orientation?

Research Question 5: Given a relative constancy scale of 100 free hours to spend on media activities, will young people choose certain activities that show a print versus non-print orientation? If so, how are these activities grouped?

Research Question 6: Can people evaluate themselves as either print or visual (non-print) and does this self-assessment relate to any of the other scales?

Additionally, the study sought to identify powerful and efficient measures of media orientation:

H2: *Of the six items and scales tested, powerful and efficient measures of media orientation can be identified.*

Powerful was defined as being among the three measures that distinguished non-print from print orientation. Efficiency was defined as being a parsimonious measure, relatively easy to use in future research.

Finally, because of the interdependency of the measures and because they asked about media use over time:

H3: *Media use orientations are established early in life and are stable over time.* The study sought to find if a pattern emerged in orientation from early childhood through adolescence and into adulthood. A correlation was expected among scales that measured these orientations.

Method

The instrument used in this study is part of a larger investigation of media orientation conducted in 1990. The original intent was to distinguish linear versus mosaic thinking patterns or print versus non-print orientation and young adults' mass media reliance. The present report deals only with the ability to measure people's mass media orientation.

After two months of preparation in a graduate-level research methods class, a questionnaire was prepared for submission to an undergraduate "Survey of Mass Media" class, the intended subject group, consisting of about 100 freshman- and sophomore-level students. Prior to its administration, a comparable 15-student "Survey of Mass Media" class was used as a pre-test. The questionnaire was altered, based on outcomes and discussions with the pre-test subjects.

Scales and measurements. Media orientation was measured by the following questionnaire items and scales (percentage outcomes and means shown in Table 1):

1) Early print media use based on a seldom-to-very frequently answer to the following item: "When you were young, say ages 8-12, how often did you read books for pleasure?"

2) A scale of teenage media use based on the following items: "When you were a teenager, say ages 13-17, and had free time after school or on weekends, how often did you engage in each of the following types of activities: go to the mall; watch TV; talk on the phone; play sports; listen to records, tapes or the radio; read a newspaper or magazine; read books other than for schoolwork? Each activity was rated from 1 to 5, with "5" being very frequently.

3) A visual/verbal scale, adapted from the Paivio and Harshman study on imagery and verbal habits, in which subjects answered these items:

> The following statements are true for some people and not for others. There are no right or wrong, good or bad answers. If you decide the statement is true with respect to yourself, circle true; if you think it is not descriptive of you, circle false. Answer every statement, even if you are not completely sure of your answer:

I spend little time attempting to increase my vocabulary.
I often have ideas that I have trouble expressing in words.
My dreams are extremely vivid.
I have some difficulty expressing myself in writing.
I enjoy visual arts, such as paintings, more than reading
It doesn't really bother me when a word is used improperly.
My grades have been hampered by inefficient reading.
I very frequently rely on mental pictures to solve problems.
My powers of imagination are much higher than average.

Each "true" statement indicated visual (non-print) orientation and was coded "1;" each "false" statement indicated verbal (print) orientation and was coded "2." Higher scale scores always meant greater print orientation.

These statements were taken from the Paivio-Harshman heavily loaded factors that were relevant for a sample of college students. The scale was expected to be two-dimensional, but an internal reliability analysis resulted in no significant factors and a low overall alpha score of .28. The five verbal items of the scale had an alpha of .51; the four visual items had an alpha of .16, indicating that the scale may be a reliable measure of verbal tendencies only, although other explanations are possible. However, if the scale correctly measures only verbal (print) orientation tendencies, it accomplishes its goal for purposes of this study.

4) A level of current television and newspaper use measured by two items: When you aren't in school, about how many hours of television do you watch on a typical weekday? When you aren't in school, about how many days per week do you usually read a newspaper?

5) Another frequency of media use measure, discussed above as a "relative constancy scale," in answer to the following item:

> It's the spring break. While you can't make it to Florida this year, you also have no homework and your boss at work said you deserve a week's paid vacation. You now have 100 hours of free time to devote to media use. How many of those 100 hours will you spend on each of the following: going to the movies; watching television, both cable and non-cable; viewing video tapes; listening to records or audio tapes; listening to the radio; talking on the telephone; reading the news-paper; reading magazines; reading books for pleasure; writing letters?

Most subjects were able to allot hours so they totalled 100. However, to equate for the few mistakes in addition, hours given to each medium were converted to percentages to create the relative constancy scale.

6) The final measure of orientation simply asked subjects to check whether they considered themselves generally: a visual or non-print person; a written or print person; or, not sure/both about equally. No further explanation was given for this self-appraisal of media orientation.

Findings

The first step of the process was to develop scales where possible to create a continuum of non-print to print orientation. It immediately became clear that several of the scales required inter-item analysis before any additive procedures could be used. For instance, as seen in Table 2, items included in the relative constancy and the media use as a teen scales were not clearly divisible into print and non-print orientations. The literature provided no hint about whether radio, tapes and records fit with non-print orientation, or whether telephone and letters are associated with print media.

Factor analysis (no table shown) failed to link more than a few of the obvious categories in a five-factor solution. In the Spearman tests, the relative constancy scale intercorrelations reveal few positive associations and

only three of them are statistically significant. In answer to Research Question 5, intercorrelations support placing *magazines, books, newspapers and letter writing together as print media.* The negative associations suggest placing *television, movies and video together as non-print media.* Radio, telephone use and records/tapes are negatively correlated both with the print and non-print media, suggesting these media should be dropped from the orientation analysis. These intercorrelation findings are reinforced for the most part by the comparison between the relative constancy scale and current TV and newspaper use.

The teen media orientation measures showed far more positive intercorrelations, providing an answer to Research Question 2. These associations generally linked *television with mall attendance, records/tapes and radio, and talking on the phone as non-print media. Newspapers and magazines were linked with books as print media.* Playing sports was linked with newspapers and magazines, but not with books or television, hence playing sports was deleted from the scale.

Although some subtle relationships found in these data bear future study (the sensible association between playing sports as a teenager and use of newspapers and magazines; the negative relationship between books and days reading the newspaper), such relationships go beyond the present inquiry.

Relying on the intercorrelations, combined scales were formed by omitting the non-associated media and attaching negative values to the media identified as non-print. The teen media orientation scale ranged from -17 to 1 (mean= -8.97; Std. Dev.= 4.11). The relative constancy scale ranged from -.75 to .60 (mean= -.15; Std. Dev.= .27). Current weekday TV hours also was given negative scores and combined with current newspaper reading days for a current media use scale ranging from -7 to 6 (mean= .33; Std. Dev.= 3.08). The process resulted in consistently lower scale scores to indicate non-print media use and higher scale scores to indicate print media use.

Hypotheses tests are shown in Tables 3 and 4. Table 3 indicates Pearson Product-Moment correlations among the five scales used in the study. It shows that several scales had positive and significant association, with the relative constancy scale being significantly related to three of the four other scales.

Book reading as a child was strongly related to teen print media orientation and to the relative constancy print orientation measure, supporting the proposition in Research Question 1 that frequent reading of books for pleasure as a child is associated with print media orientation.

Measuring media orientation by asking current media use — weekday hours watching TV and days spent reading a newspaper — is related only to the relative constancy scale. Actually, the current media use measure failed to discriminate because 75 percent of all subjects said they watch either two, three or four hours of TV on weekdays (mean= 3.4; Std. Dev.= 1.8). The current media use scale did not differentiate orientation, and Research Question 4 was answered negatively. *Frequency of current use measured by days spent reading the newspaper and daily hours of television viewing failed to determine orientation.* As the literature review indicated, our study found that asking young people how many hours a day they watch television or how many days they read the newspaper is too simplistic a measurement of media orientation.

An analysis of variance test, shown in Table 4, was used to determine power of discrimination among the self-assessment categories of print, non-print and not sure/both equally categories. The numbers shown are differences in mean scale scores, not to be confused with previous tables' correlations.

As an example of validity of measures, we would expect those subjects

who said they were non-print oriented to score lowest on the scales, the not sure/both equally to score in the middle, and the print orientation subjects to score highest. This pattern is found for four of the five scales, indicating all six measures in the study are measuring the same concept. Results indicate that Hypothesis 1 is supported: *Print versus non-print orientation can be differentiated and measured through multiple scales.*

In the ANOVA test, three of the scales successfully discriminated among self-assessment categories: book reading as a child, media use as a teen and cognitive style. In answer to Research Question 6, it appears that evaluating oneself as print or non-print (visual) does relate to styles of thinking and problem solving. The relative constancy scale obtained the predicted pattern, but did not reach statistical significance.

The final test, shown in Table 4, was a t-test between those subjects who said they were non-print oriented (22%) and those who said they were print oriented (37%). The outcome is the same as that obtained by ANOVA.

Based on these findings, Hypothesis two, which stated that of the six items and scales tested, powerful and efficient measures of media orientation can be identified, is supported. *Book reading for pleasure as a child is tentatively supported as a powerful and efficient measure of media orientation.* This measure is a powerful discriminator of print versus non-print orientation and is an extremely efficient questionnaire item: a single sentence item with four levels of discrimination that divides subjects into relatively equal groups (see Table 1).

The third hypothesis, that *media orientations are established early in life and are stable over time*, is accepted. Five of the six measures of media orientation, assessing subject's orientation over time, are highly intercorrelated.

Conclusions

The data on which this study rest are the result of a single-shot survey in a lower-division college class. This approach has the dual disadvantage of using a convenience sample and a relatively small sample size of 94 subjects. However, the approach to scale analysis through multiple measures is sound, and use of a relatively homogeneous group of test subjects is the proper research methodology for testing the strength of measurement instruments (Kerlinger 1986). In this study, results are both reasonable and compelling.

We find that these scales, particularly recall of book reading for pleasure as a child, do an excellent job of discriminating print media versus non-print media orientation. Future researchers who wish to differentiate between individuals' media use orientation should be extremely confident if they use two of the measures, perhaps childhood book reading and the relative constancy scale. This study confirms that such an approach will succeed.

Additionally, the study provides several other outcomes that should be useful in future mass media research efforts:

1) Identification of associations between media including placement of letter writing with print media use, phone and mall attendance with teenage non-print media use, placement of video viewing with non-print media use, and the exclusion of radio and telephone use from the relative constancy scale. These associations should help clarify future research procedures for uses and gratifications studies.

2) Detection of a "social individual" in the associations seen in teenage media use of sports, telephone, and records, tapes and radio. Subjects' rating of these elements were similar and were disassociated from the other media use ratings.

3) Further confirmation of the habitual nature of mass media use established by patterns set early in life.

4) Use of a new time allocation scale based on the relative constancy theory. Although the scale was not the best predictor in this study, it certainly has merit for further investigation.

5) Use of a cognitive style scale based on nine items derived from scales used in the psychology field. Although this scale was not selected as a primary predictor, it actually had the strongest discriminating power with subjects' self-assessment of their media use orientation.

6) Finding that reading books for pleasure as a child is such a valuable predictor of future mass media orientation. The power that early reliance on books for enjoyment has in establishing an individual's future media use is a concept worthy of extensive investigation by print media industries, literacy agencies, psychologists, educators and other researchers interested in the effects of mass media on society.

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Table 1: Frequency Responses to Questionnaire Scale Items

BOOK READING AS A CHILD	Percent	Mean
At ages 8-12, how often did you read books for pleasure?		
seldom	16%	
sometimes	27	
frequently	29	
very frequently	28	
TEEN MEDIA USE SCALE		
When you were a teenager, say ages 13-17, and had free time after school or on weekends, how often did you engage in each of the following types of activities? (1=seldom or never, to 5=very frequently)		
listen to records, tapes or the radio		4.22
watch TV		3.90
talk on the phone		3.53
play sports		3.23
go to the mall		2.94
read a newspaper or magazine		2.88
read books (other than for schoolwork)		2.73
VERBAL VERSUS VISUAL / COGNITIVE STYLE		
With respect to yourself (percent saying false):		
Improper word usage doesn't bother me.	80%	
I have difficulty expressing myself in writing.	78	
Inefficient reading has hampered my grades.	71	
I enjoy visual arts more than reading	70	
I spend little time increasing my vocabulary.	65	
I have trouble expressing my ideas in words.	57	
I rely on mental pictures to solve problems.	38	
My imagination is higher than average.	33	
My dreams are extremely vivid.	22	
CURRENT TV/NEWSPAPER USE SCALE		
When you aren't in school, about how many hours of weekday TV do you watch on a typical weekday?		3.40
When you aren't in school, about how many days per week do you usually read a daily newspaper?		3.76

Table 1 Frequency Responses to Questionnaire Scale Items (*continued*)

RELATIVE CONSTANCY SCALE

How many of 100 leisure activity hours will you spend on each?

watching television	22.8
listening to the radio	14.2
listening to records or audio tapes	12.3
viewing video tapes	11.0
reading books for pleasure	10.4
talking on the telephone	9.3
going to the movies	7.3
reading the newspaper	5.9
reading magazines	5.9
writing letters	4.3

SELF-ASSESSMENT OF MEDIA ORIENTATION

print	37%
visual (non-print)	22
not sure/both equal	41

Table 2: Intercorrelations for Media Scales (Spearman)

Percent of 100 Leisure Hours to be Spent on These Activities

	Movies	Video	Radio	Newspapers	Magazines	Books	Letters	Records & Tapes	Telephone
TV	-.02	.00	-.21*	-.15	-.15	-.32**	-.24*	-.19*	-.17
Movies		.14	-.14	-.08	-.04	-.18*	.09	-.29**	-.04
Video			-.06	-.16	-.00	-.25*	-.16	-.11	-.16
Radio				-.15	-.37***	-.28**	-.17	.02	-.03
Newspapers					**.32*****	-.06	.09	-.25*	.07
Magazines						**.25***	-.03	-.35***	-.04
Books							**.24***	-.11	-.27**
Letters								-.18*	.12
Records & Tapes									-.02

Percent of 100 Leisure Hours to be Spent on These Activities

	TV	Movies	Video	Radio	Newspapers	Magazines	Books	Letters	Records & Tapes	Telephone
Weekday TV Hours	**.23***	**.22***	-.01	-.03	-.22*	.07	-.10	-.20*	-.10	.03
Days Reads Newspaper	.04	-.04	-.02	.08	**.43*****	.04	-.24*	-.10	-.10	-.04

Table 2: Intercorrelations for Media Scales *(continued)*

As a Teenager, 13-17, How Often Did You Engage in These Activities

	Watch TV	Talk on Phone	Play Sports	Records, Tapes or Radio	Newspaper or Magazines	Read Books
Go to the Mall	.12	**.32****	.06	**.21***	.09	-.26**
Watch TV		.15	-.22*	.14	.02	-.06
Talk on the Phone			-.05	**.26****	.03	-.24*
Play Sports				-.03	.10	-.24**
Listen to Records, Tapes or Radio					.10	-.25**
Read a Newspaper or Magazine						**.25****

As a Teenager, 13-17, How Often Did You Engage in These Activities

	Go to Mall	Watch TV	Talk on Phone	Play Sports	Records, Tapes or Radio	Newspaper or Magazines	Read Books
Weekday TV Hours	.04	**.43*****	.04	-.01	-.11	-.01	-.01
Days Reads Newspaper	.01	-.08	**.20***	.15	.17	**.36*****	-.10

*p < .05; **p < .01; ***p < .001; bold indicates statistically significant positive correlations

Table 3: Hypotheses Tests Using Pearson Correlations for Scale Score Relationships

	Media Use As a Teen	Cognitive-Style	Current TV/ Newspaper Use	Relative Constancy
Book Reading as a Child	.46***	.16	-.04	.31**
Media Use As a Teen		.20	.03	.34**
Cognitive Style			.11	.24*
Current TV /Paper Use				.09

* $p < .05$; ** $p < .01$; *** $p < .001$

Table 4: Hypotheses Tests Using ANOVA and T-Test for Mean Scale Scores By Self-Assessment Groups

	Mean Scale Scores (range; mean)				
	Book Reading As a Child (1-4; 2.7)	Media Use As a Teen (-17 to 1; 8.97)	Cognitive Style (9-18;14.1)	Current TV/ Newspaper Use (-7 to 6; .33)	Relative Constancy (-.75 to .60; -.15)
Self-assessment:					
Non-print Orientation	2.1	-11.0	13.0	-.45	-.25
Print Orientation	2.8	-7.8	15.0	.63	-.10
Not Sure/ Both Equally	2.9	-9.0	13.9	.47	-.15
ANOVA P Value, All Three Groups	<.02	<.02	<.001	=.43	=.20
Print vs. Non-Print T-Test P Value	<.02	<.01	<.001	=.20	=.06

Propagandist, Patriot, or Professional? How World War II AP Correspondent Eddy Gilmore Made the Best of A Tough Job

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Top Student Paper, Newspaper Division

Pulitzer Prize winning newsman Eddy Gilmore (1907-1967) was a patriotic journalist who as an Associated Press war correspondent tried to do the best job he could during World War II. He was a skilled reporter, one of the few who reported from both Great Britain and the Soviet Union in 1941. Like most reporters, he faced almost insurmountable problems caused by Soviet censorship, not only during World War II but also during the early stages of the Cold War.

Since contemporary news reporters have bitterly complained about military censorship and the military's control of their movements during the recent Persian conflict, it may be enlightening to look back and see how Gilmore, a Selma, Alabama, native whose first newspaper job was on the *Atlanta Journal*, handled similar problems.

By World War II, journalists had accepted the necessity for censorship of their copy. Yet even experienced, war-hardened correspondents found they couldn't cope with the severity and extent of Soviet censorship.

"The fact that Soviet censorship is stricter than that of any censorship in the world is well known," wrote Quentin Reynolds, in his World War II bestseller, *Only the Stars Are Neutral*.[1]

Gilmore obviously agreed: "Sometimes I was sure I wrote for the smallest audience in the world – that handful of censors who sat there with their blue pencils and ripped my cablegrams apart and often my journalistic heart," wrote Gilmore in the opening of his popular 1954 book, *Me and My Russian Wife*.[2]

Some Progressive historians espouse a view articulated by Philip Knightly, whose book *The First Casualty* maintains that war correspondents consistently trample on truth. Knightly believes that journalists serve more often as "hero, propagandist and mythmaker" than as journalists. He argues that journalists' first allegiance should be to "the truth."

Yet other historians, particularly those who take the Consensus viewpoint, argue that media perform best when they contribute to national unity. That is what Gilmore did through his WWII reportage. During the darkest days of World War II, it was vital to the survival of the nation that the Soviet Union stay in the war. For that purpose, the U.S. was sending millions of dollars worth of war equipment, munitions and other supplies to the Soviet Union. It was essential that Americans believe that these war materials were appreciated and being used properly by the Soviets.

The main reason Gilmore became a successful war correspondent from the U.S.S.R. was that he learned how to function as a reporter within the confines of Soviet censorship. To do so, he had to cooperate with the authorities even to the extent of compromising the truthfulness of his reports. Yet Gilmore's World War II and Cold War writing, judged as a whole, enhanced America's understanding of the U.S.S.R. and its people. Gilmore believed that compromises in the accuracy of his reports served the common good since the U.S. and the U.S.S.R. were allies fighting a common foe during World War II.

Fletcher Pratt, one of the great World War II correspondents, in a post-war *Harper's Magazine* article critical of censorship and reporters' responses to it, wrote: "Far too many of the representatives of the press... failed to completely realize that reporting a war is a business of writing a continuing series of feature stories."[4]

Gilmore couldn't be faulted on that score. Features were his forte. Perhaps that is why the AP decided to send him as its Number Three man to Russia. Gilmore was delighted to get the assignment. It was 1941 and he was covering the Blitz, Nazi air raids on London, for the Associated Press.

In an August 15, 1941, "Dearest Mama" letter to his Selma home, Gilmore worried that he wouldn't be able to get to the Soviet Union before the Nazis delivered a knockout punch. He wrote, "Frankly, I believe the Germans will be in Moscow before Gilmore, but you can't tell."[5]

Gilmore wasn't the only one who feared that the Germans would take Moscow and conquer the Soviet Union quickly. British military experts at War Office and at the Ministry of Information thought that war in Russia wouldn't last more than a few weeks, or at most a few months, according to historian Alexander Werth. As a correspondent for Reuters and the *Sunday Times* of London, Werth beat Gilmore to Russia by several months.[5] There was good reason for the belief that the Soviet Union would soon be defeated. Almost three million German soldiers, 600,000 vehicles, 3,580 Panzer tanks, and 7,184 mobile guns, covered by a Luftwaffe umbrella of 1,830 aircraft, rolled across the Russian border on Sunday, June 22, 1941. The Germans had planned for a short war: "The German Army...was armed for, and had prepared for, a short and tactical war, ... was confident [weather] could be disregarded, for it was planned to finish the war with Russia before the onset of bad weather."[6]

Gilmore and other reporters felt honored to be chosen to cover the Russo-German conflict. In his August 15, 1941, letter, Gilmore told his mother he was very pleased that the AP had selected him for the Moscow assignment. "It's the one that everyone wanted – that every newspaperman in the world wanted...When history will have been written it will have been the fortune of but a few to have spent time in London and Moscow in the same year."[7]

Gilmore wasn't alone in believing that it was an honor to be sent to Russia. CBS correspondent Larry Lesueur was assigned by his employer to go to the Soviet Union at the same time. He accompanied Gilmore. In his diary, later turned into a book about the war, Lesueur said, "I wanted to see Russia more than I wanted to do anything else in my life. Assignment to Moscow was the Ph.D. for a foreign correspondent."[8]

By November of 1941, Gilmore was in Russia after a grueling 40-day and 40-night journey that started aboard a British tramp steamer ("24 days of sailing past scores of floating mines, through three air raid alarms and dodging one submarine"), and 16 days on a Russian train without comfortable sleeping accommodations or adequate food supplies. Accompanying Gilmore on that grueling trip were Walter Kerr of the *New York Herald Tribune;* Lesueur of CBS; Eric McLaughlin, a Sydney, Australia, newsman; and Ralph Parker, representing the *Times of London* as well as the *New York Times.*[9]

Gilmore's first story from Russia was an upbeat article, which the *Atlanta Journal* headlined, "Gilmore Finds No Hunger or Despair in Russia." He wrote, "Everywhere we went, the food was plentiful. People from farms flocked to the siding when our train stopped, selling milk, bread, butter, beets, pickles and sausages. In cities we bought caviar and wine – all we wanted."[10]

Gilmore's story was an unremarkable repeat of one done by his boss,

Henry Cassidy, the AP's Moscow bureau chief[11] – except that it carried propaganda Gilmore knew to be untrue.

One important difference between Cassidy's first article after the war began and Gilmore's first article was that Cassidy's was written at the beginning of the war, so it escaped the tougher wartime censorship. By the time Gilmore arrived, censors had clamped down. The only stories allowed were positive ones. So, Gilmore – or the censor – salted his piece with the untrue statements about food.

Years later Gilmore stated, "We didn't have enough food. We didn't have enough drink. There was very little sugar for the tea that we brewed ourselves. And practically no bread." By the time Gilmore arrived at Kuibyshev, he had dropped from 220 to 190 pounds.[12]

It is not known whether Gilmore wrote his story as it ran or Communist censors added material. Gilmore must have known that untrue material was going out on the wireless under his name because reporters at the time always demanded to see what the authorities had blue-penciled.

In his own book, written more than a decade later, Gilmore wrote about the war reporters' discontent:

> After Pearl Harbor a number of the British and American correspondents...decided to quit the Volga...They had good reason, for the Soviets were just letting us sit...No trips were being organized to the front. The Russians took the view that unless they were winning there was nothing at the front to show a foreign correspondent. And they definitely were not winning.[13]

Philip Jordan, of the London *News Chronicle*, who, like Gilmore was trying to cover the Eastern front from the Soviet Union, once complained to Soviet Press spokesman Lozovsky:

> "Mr. Vice-Commissar, yesterday I handed in my daily story at noon. It did not clear the censor until seven hours later. As it takes several hours sometimes for our stories to reach London, I think it not unreasonable to ask you either to add more censors or to ask the present ones to hurry with their jobs."

Lozovsky's bland reply: "That's unfortunate. We will try to do something about it."[14]

But the Soviets didn't follow through on that promise. Jordan complained to Reynolds. "We haven't bathed or shaved for a week. We're filthy and tired and surly-tempered and, to make it worse, neither of us have written a story in a month worth the writing. We can't with this awful censorship."[15]

Obviously covering the war from the Soviet Union was a tough job – so tough that many reporters gave up. Jordan, after managing one trip to the front in early December, became even more frustrated over the censorship issue and left the Soviet Union in December 1941. Once out of the Soviet Union, the first telegram he sent to his London office began, "Freed from the intolerable burden of Soviet censorship I can now predict that the Red Army will eventually win the war."[16]

Unlike Gilmore, Reynolds was another of those who left, defeated by Soviet censorship. In his book, Reynolds wrote: "Obviously Russia had become what we called 'a news-agency story'. That meant that ordinary communiques and an occasional brief news item would cover whatever was happening..."[17]

Gilmore wasn't a complainer. He stuck it out. His persistence was rewarded. True, he was a "news agency" man, but he was to write many stories other than just communiques. While it is true that many of his articles

smacked of propaganda, he succeeded in giving his readers a "feel" for the Soviet people. A selection of headlines and snippets from his news articles from this period follows. All the articles are from scrapbooks, containing over 400 Gilmore stories collected by his mother.[18]

REDS' PARACHUTE TRICK IN SNOW IS DISCLOSED BY AMERICAN WRITER

Nov. 25 (Delayed) AP–SOMEWHERE IN RUSSIA. Medal-bedecked Col. Dmitri Vysokosov, commander of the Soviet Parachute School, stood on a snow-covered plain overlooking the Volga River today and pointed to a nearby white hill.

"Those troops may figure in establishing the new western front. They have all the essentials of modern warfare and they know how to use them."

It sounded fine but we couldn't see any troops.

"Ah," he said proudly, "and it would be hard for others to see them."

* * *

RED ARMY'S SONGS AS VITAL AS GUNS IN MAINTAINING MORALE

SOMEWHERE IN RUSSIA, Jan. 11, 1942. Down the snow swept street swells a deep chorus of song – The Red Army filling the night with rousing Slavic tunes telling you the Russians are marching to the battlefront with a lyric on their lips.

* * *

RUSSIANS AMUSED AT NAZI CLAIM THAT GRAIN IS NOW RUNNING LOW

Jan. 20–AP – Russians are laughing at the Germans' claim that their grain is running low.

And I saw the reason on the Voroshilov collective farm in the Molotov district at the foot of the Zhiguli Mountains.

The people have harvested such quantities of grain that baby cribs have been crowded from the nurseries into the snow.

"We know when to expect our babies," laughed Georgi Aryanin, chairman of the collective. "The babies are not here yet but the grain is. We must make a home for it until the army needs it."

Gilmore's stories claiming that plenty of grain was available would certainly have held ironic interest for the starving inhabitants of encircled city of Leningrad. Hitler's armies had drawn a noose around Leningrad in September, 1941, cutting it off from all supply routes except one across nearby Lake Ladoga. On January 24, 1942, the daily bread ration for Leningrad workers was increased from 200 grams to 400 grams, indicating that the Soviets were trying to better resupply their beleaguered city. Transportation problems across a frozen lake – the only link to the rest of the Soviet Union maintained by the besieged city – would prevent them receiving all the help needed. Nutritionists estimate that a manual worker requires a minimum of 3,000 calories a day, but the 400 grams of bread provided only 500 calories. Other energy-producing foods were available only intermittently or not at all. War experts estimate that about a million residents of Leningrad died of starvation during the full three-year siege of the city.[19] Gilmore knew this was occurring but his reports could not reflect these facts because of the strict Soviet censorship.

Each story had to pass through Soviet censors before being sent on to the West. Any comment questioning Soviet claims was censored, but Gilmore kept the stories coming:

* RED DRIVE INTO WHITE RUSSIA IN IMPORTANT PUSH – Feb. 13.

* NAZI RESERVES HURLED AT RED – Feb. 17.

* RED SOLDIERS SLAYING NAZIS BY THOUSANDS – Feb. 21.

Cassidy, the AP's Moscow bureau chief, wrote:

> As the winter grew old and the communiques less communicative, the Russian people looked forward eagerly to February 23, the twenty-fourth anniversary of the creation of the Red Army, for an announcement of great new victories...They heard on that day an order by Stalin, as Commissar of Defense, warning that the enemy was still strong.[20]

Cassidy was referring to the fact that the Soviets had encountered stiffened Nazi resistance. The tone of the headlines over Gilmore's articles changed slightly – rather than boasting of victories, the headlines seemed to promise future victory:

* RUSSIANS SPRING BIG NAZI TRAP – Feb. 26.

* NOOSE ON NAZI ARMY TIGHTENED – March 1.

* REDS CRACK GERMAN LINES ON SOUTHERN FRONT – March 12

In the last article, Gilmore stated: "A special communique listed 49,700 Nazi troops killed in the Kalinin sector alone between Feb. 5 and March 8." More than a decade later Gilmore wrote about how he and Walter Kerr of the *Herald Tribune* had once questioned a Red Army officer about German losses. In that particular campaign, another Red officer had claimed: "Over 100,000 German invaders were destroyed here." The officer was asked what had become of the German bodies. In his 1954 book, Gilmore recalled what happened next:

> The Colonel hesitated. Just for an instant.
>
> "They are buried," replied the Soviet Colonel.
>
> "We'd like to see their graves," requested Walter Kerr.
>
> "Ah," said the Red Army officer. "There was a heavy snow. The graves are covered. Completely covered. You couldn't see a thing."
>
> "In that case we'd like to see the snow-covered graves," one of us told him.
>
> "Impossible," came back the colonel with finality. "What you ask is impossible. There are no roads."
>
> That ended the discussion...It stuck the first big question mark in my mind about the Soviet war claims.[21]

Answers to such questions were never discussed in print during the war.

On March 27, Gilmore wrote a story about the Soviets trying to smash the German army at Smolensk. A map showed the town of "Staraya Russa," which had been held by the beleaguered Sixteenth German Army, as "retaken with 3,300 Nazis killed in two days." Yet Gilmore's lead would have tipped off careful readers that the Soviets might have bitten off more then they could chew, "The Red Army, in a race against spring thaws and aided by night-striking Russian guerrillas, were reported early Friday to be newly threatening the approaches to Smolensk, 230 miles southwest of Moscow."[22] Gilmore's articles had to put the very best face on the war situa-

tion. Non-discriminating readers would have expected a Soviet victory – a victory not to occur until a year or so later.

Cassidy wrote in *Moscow Dateline,* "The Sixteenth Army suffered" but "was eventually relieved...It was one of the rare cases...in which the Soviet Command made known, to its sorrow, the developments of an action while it was still in progress and the outcome was doubtful."[23]

Since the tides of war were turning, the Western correspondents were again shipped back to Kuibyshev on March 29, 1942. CBS correspondent Larry Lesueur, in the diary that later became *Twelve Months That Changed The World,* wrote:

> Kuibyshev is a correspondent's purgatory. I have grown used to the normal frustration of a reporter's life in Moscow, where virtually the only news sources are the official Soviet newspapers, and the only "news beats" are the obscure paragraphs that your translator had spotted and other translators have missed. A reporter can do almost nothing for himself in the way of getting special stories. For instance, I cannot phone the Commissar of Agriculture or Oil and ask for an appointment. All such requests must be given in writing to the Press Department which may arrange the appointments in a month's time or ignore them altogether.[24]

However, it was in April that Gilmore wrote a story that earned him an AP raise. On a warm spring morning, he walked down to the bank of the Volga river. Noticing the boatmen, he had a brainstorm: The Volga boatmen. The song that went "Yoo ah hoo, ho!" had been popular in America in the pre-war years. It was supposed to be the traditional song of the Volga river boatmen. Gilmore hired a translator and went to interview the boat workers. To his surprise, no one had heard of the song. Gilmore insisted that they must have. He hummed a few bars. Still no recognition. Through the translator, Gilmore told them that perhaps their fathers had sung it while they pulled the boats and barges up the river in the old days.

> The men smiled. Two or three laughed. They spoke rapidly.
>
> The translator smiled and turned to me.
>
> "Volga boatmen," he explained, "don't sing songs to make themselves work. Only vodka does that."

With news in Kuibyshev being practically nonexistent and nothing else to do, Gilmore wrote a bright brief about the incident. With some hesitation because transmission fees were high, he cabled the story, "Volga boatmen have never heard the Song of the Volga Boatmen, the tune that made the Volga famous in the U.S.A." to New York. The New York AP headquarters, tired of the boring official news out of the Soviet Union, was pleased. To Gilmore's surprise, the New York office cabled back a positive response, "Volga boatmen story magnificent. Your salary raised. Regards, Congratulations Kenper."

"Kenper" was telegraphic shorthand for Kent Cooper, the AP's chief executive officer. Gilmore had been away from the U.S. for a year. He had covered the Blitz in London, had sailed the dangerous waters of the Arctic to get to the Soviet Union, had struggled to get usable stories past the Soviet censors, yet had not received a raise in pay for some time. The Volga River story achieved that for him.[25]

However, there is something funny about this story, and it may not be just Gilmore's writing. About the same time that Gilmore was crafting his Volga boatmen feature, Larry Lesueur was writing in his diary under an April 21 entry:

> The Volga boatmen still sing their famous song. Many times when I sat in the warm spring sun down at the river edge, I watched these husky stevedores lift the huge crates to the tune of the boatmen's song, but chanting instead: "Raz, dva, vsali (One, two, heave)."[26]

Opportunism and inventiveness are the names of the game in journalism then, as well as now; yet it is obvious that either Lesueur or Gilmore made up his story.

By April 24, 1942, both Gilmore and Lesueur had a more serious subject to cover – the aftermath of the Jimmy Doolittle bomber raid on Tokyo. The crew of one of the U.S. bombers which had raided Japan was supposed to ditch in China, but had gotten lost and ditched instead on Soviet soil. The incident posed a tricky problem for the Reds. They were allied with the U.S. in the war against Germany, but until nearly the end of the conflict, the Soviets were neutral in the war on Japan. The problem: How to treat airmen with whom you are allied on one front when they enter your territory on another front in war against a nation with which you maintain an uneasy peace?

In a strange way, Gilmore was responsible for the detention of the airmen for most of the remainder of the war. It had not been officially announced that any of the daring Doolittle fliers had landed on Soviet soil. Yet a reporter can look at a map as well as a military man. It was obvious that some of the planes could have come down in one of the Soviets' Pacific provinces. After inquiring at the U.S. Embassy and receiving the cold shoulder, Gilmore, during a Soviet press briefing, asked, "What would be the position of the Soviet government if a plane belonging to an ally of the U.S.S.R., yet an ally who was at war with a country with whom Russia was not at war, landed on Soviet territory?"

Lazovsky answered: "The correspondent is inclined toward philosophic discussions. I am not."

Since the Soviets were not yet at war with Japan, correspondents from that country were also at the news conference. They too attempted to pin down the Russian press spokesman, but to no avail. Later, however, the Soviets announced that a bomber had crash-landed in one of the Soviets' Pacific Maritime Provinces and that the airmen would, in accordance with international law, be held in custody for the remainder of the war. If Gilmore had not raised the subject, the Soviets would, in all probability, have moved the Americans and the crew westward and released them all.

As a result of the press conference, a U.S. Embassy official became angry at Gilmore and United Press correspondent Meyer Handler, who had also asked a question. The Embassy official shouted, "You guys are responsible for getting some American airmen thrown in jail. Do you realize that?"

"The hell with that," Gilmore replied. "You know very well that Handler and I came over to see you just a few days ago about this very case. We asked you point-blank if any American plane had landed on Soviet territory after the Tokyo raid and what would happen to it and the crew if it had, and you shut up and wouldn't say a word. All you had to do was tell us the situation and ask us to lay off. And we would have laid off."[27]

World War II correspondents weren't like war correspondents in later wars such as Vietnam after the Tet offensive. They would cooperate and keep silent when asked. In his 1954 book, Gilmore later wrote about what happened to the bomber's crew, "They got out eventually. The Soviets moved them westward in slow stages and then... 'escaped them' across the Iranian frontier. It was a well-kept secret and we never mentioned it in a dispatch."[28]

Another well-kept secret that caused Gilmore to chafe under Soviet censorship was the fact that the Americans gave the Soviets the Norden

bombsight, then a top-secret weapon that allowed almost pinpoint bombing. Gilmore tried to write about this, but Soviet censors killed his story.[29]

Gilmore's clip files are completely empty for the months of May and June, perhaps because the Soviets tightened censorship in the face of huge defeats in those months. Alexander Werth writes: "The Russian rout at Kharkov in May 1942 was more heavily concealed from the public than almost any other Russian defeat; perhaps the great *rapprochement* then in progress with Britain and the United States had much to do with it..."[30]

By July, 1942 Gilmore and other Western newsmen were back in Moscow. Gilmore's stories reflected the Soviet's mainly defensive stance:

* NAZIS GAIN GROUND IN TWO AREAS – July 13.

* VORONEZH LINE HOLDS BACK NAZIS – July 16.

* GRIM PUSH OF NAZIS COSTING TERRIFIC TOLL – July 20.

On July 30, 1942 the *Arkansas Democrat* reprinted two paragraphs of one of his stories that had run the day before.

> The Russian air force, using some United States bombers and fighters, pounded the moving columns of German men and guns by daylight and under the nearly full moon by night.
>
> The whole steppe land was eerie with flames. Bombs burst over great areas of the gentle, grassy slopes and the plains waist-high with grain.

The *Arkansas Democrat* then paid Gilmore the compliment of saying the writing "approaches literature."[31] And indeed it does.

By August, Gilmore was able to turn from writing articles with headlines such as "Nazis Advance Steadily As Steel Robots" to report on a historic meeting between Winston Churchill, Joseph Stalin and U.S. and British field and staff commanders. Gilmore reported speculation that the leaders discussed the possibility of opening a second front and increased allied war aid to the Soviets.

As the war progressed, Gilmore missed few opportunities to write about how allied war supplies were helping the Soviets beat back the Nazi menace. A sampling of headlines of his articles which appeared from 1942-45 shows this was a consistent theme. But Gilmore, like many Americans in the Soviet Union, was irritated that neither the Soviet government nor the Soviet press had officially acknowledged the aid. In March of 1943, Gilmore cannily picked an occasion that the Soviets would be unable to censor – an informal press conference by William K. Standley, the U.S. ambassador to Russia – to ask a question which caused a firestorm of publicity in the U.S. Gilmore asked Admiral Standley if the Russian people realized the extent of American aid. It was a political hot potato because the question of a new lend-lease bill to the Soviets was then being debated by the U.S. Congress. Standley answered:

> I have carefully looked for an admission in the Russian press that they receive material aid from Americans, yet I have failed to find any real acknowledgement of it...the Russian people have no opportunity to know they are being helped by the American people.

Pouring oil on the soon-to-be ignited firestorm, Gilmore pointed out, in the form of another question to Admiral Standley, that several Russian generals had told foreign correspondents they were getting no American help at the front except trucks.

"They are getting plenty of other kinds of war material," answered Standley. "If it's not at the front, I don't know what they are doing with it."[32]

According to a transcript of an undated radio broadcast from Moscow by Quentin Reynolds, the correspondents who heard Standley did not embellish the story. "They merely sent the exact wording of the ambassador's remarks, and the censors, who so cheerfully use their red pencils on our stories, could not touch a statement made by an ambassador."[13]

On March 9, an AP article out of Washington, D.C. quoted Undersecretary of State Sumner Welles as claiming that Ambassador Standley's statement "was made without prior consultation with the government in Washington."[14]

But by March 11, 1943, Gilmore was able to report, "The Moscow radio and newspapers informed the Russian people today of Admiral William H. Standley's declaration that they had not been told the complete story of United States' aid to the Soviet Union."

In that article Gilmore had the pleasure of quoting TASS, the official Soviet news agency:

> According to the Moscow correspondent of The Associated Press, the United States' ambassador to Moscow, Mr. Standley, made the statement to American correspondents announcing that, as he presumes, the information is not given to the Russian people on American aid to Russia.

Gilmore pointed out that this "was the first information received by the Russians on the controversy."[15]

Gilmore had the further satisfaction of following up two days later with an article emphasizing that the Russian people "heard official Soviet appreciation of American lend-lease aid for the first time" when newspapers in Moscow gave wide play to a statement by Soviet Ambassador Maxim Litvinoff, who was in Wathington for the second anniversary of lend-lease aid. Litvinoff admitted that lend-lease material received by Russia had "brought tremendous aid, which is deeply appreciated by the people of the Soviet Union, who are fully aware of its extent."[16]

Congress, heartened by the Russian acknowledgment of the helpfulness of our aid, passed the pending lend-lease legislation unanimously.

Before the lend-lease controversy erupted, Gilmore and other correspondents missed the story of the Russian surrender ultimatum to encircled Nazi General Friedrick von Paulus, commander of the German Sixth Army in Stalingrad. However, Gilmore and other reporters were allowed to report on the actual surrender.

Gilmore returned to the U.S. briefly in June 1943 and didn't return to Russia until mid-July and so missed the battle of Kursk, "the greatest armored battle in the history of warfare," another story that went unreported by western media because it was sandwiched between and overshadowed by news of the Nazi surrender at Stalingrad and the Allied invasion of Sicily.[17]

Gilmore returned to Russia to wed a Russian woman and continue his reports from the Soviet Union. He wrote hundreds of other WW II newspaper stories, as well as three *National Geographic* magazine articles, all under the thumb of Soviet censorship.[18]

While it is true that some correspondents reported that Soviet censorship had eased in late 1943 and early 1944,[19] at least in comparison to the early war years, Ronald Matthews of the *London Daily Herald* noted that while "the whole story was all around you in Moscow," you could get at perhaps only a quarter of it and then when you wrote what you and "only a fifth of the quarter would get through the censor."[20]

By May of 1944 the Soviets again tightened censorship and press restrictions. That's when *Philadelphia Inquirer* reporter Alexander Kendrick

arrived in Moscow. Fluent in Russian, Kendrick was aghast when Soviet authorities refused permission for him to talk with government officials or visit the front. He was unable to obtain news except through the Soviet press and official handouts.[41] The *Inquirer* recalled him in October, 1944 after five months.

Although Germany surrendered on May 7, 1945, followed by Japan on August 15, the Soviets kept up their censorship. Ironically Gilmore was involved in an incident that resulted in the Soviets relaxing, at least for a short while, the censorship. During the latter part of October, the Anglo-American Correspondents Association wrote Soviet Foreign Commissar V. M. Molotov asking that censorship be lifted. On October 30, Jacob Lomakin, chief of the Soviet Press Department, summoned the officers of the association (including Gilmore who was president of the organization that year) and rejected the letter. However, Molotov had a surprise in store for the western press. The occasion was a reception given by Molotov during the celebration of the 28th anniversary of the Red Revolution. Following custom on such occasions, Molotov began making the rounds of ambassadors and other dignitaries, drinking a toast with them.

"You could have knocked me over with the Palace of the Soviets when he stopped in front of me," remembered Gilmore.

"What sort of a toast would you propose?" asked Molotov.

Gilmore responded with a toast to better understanding between the press of the Soviet Union and the U.S.

"That is a good toast," replied Molotov, "but what is your main issue as a correspondent now?"

Gilmore answered that he was trying to write an interpretation of Molotov's speech the night before.

Molotov, obviously with an agenda of his own, pressed Gilmore saying, "Now come on – you are not a politician and I will not be one. You know you correspondents do not like Soviet censorship. You want it wiped out."

Gilmore agreed.

"What would you say if I told you I would agree to reciprocity?" the Red official asked.

Gilmore replied that "it would be a fine thing."

The toast was made. A few minutes later a high-ranking foreign diplomat who had been nearby during the toast whispered to Gilmore, "I think you have got censorship lifted."[42]

For the first time since Germany invaded the Soviet Union, correspondents were able to get their copy through Russian censorship without any deletions. *Time* magazine referred to the cocktail incident as a 'strange interlude,"[43] causing Gilmore's mother such concern that she wrote Claude Jagger, the assistant general manager of the Associated Press, asking if her son were in any danger. Jagger replied, "I don't think you need be at all concerned about the "strange interlude" reference in *Time*. The way Molotov singled Eddy out in the November 7 function, it certainly made Eddy the dean of the foreign correspondents in Moscow."[44]

Gilmore's reports from Russia filled a need at the time and enhanced his reputation. "You did a great job from Moscow," wrote Ralph McGill, publisher of the *Atlanta Journal*, in a November 1945 letter to Gilmore.[45] And Gilmore was to consider doing "a great job," ultimately winning the Pulitzer Prize for his Cold War reporting from Russia.

Why did Gilmore become so successful? Perhaps it was because he didn't complain about how unfair Soviet censorship was and how tough it was to work in Russia. He kept his sense of humor. Yes, during the war, he played along with the Soviets so far as to slant articles in a positive way; but that's the way the game was played in those times. Quentin Reynolds

summed up the attitude behind Russian censorship when he wrote in his 1942 book, "The Soviet belief is that because there is a censorship, it follows that everything which goes out of Russia is in effect official news having the stamp of approval of the Kremlin."[40]

It follows then that Gilmore was so successful because he laced his pieces with positive propaganda so the Soviets would accept his writing. This is pointed out without criticism based on current attitudes. It's important to understand the context of Gilmore's times: America and the Soviet Union were allies, fighting a battle for survival against a formidable enemy which practiced genocide. He and other correspondents had to make compromises to cover the war, but Gilmore and others felt compromise was necessary for the greater good of maintaining support for the Russian war effort, thus aiding the entire Allied war effort.

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10. "Gilmore Finds No Hunger Or Despair in Russia." November 23, 1941, *Atlanta Journal*.
11. "Ivan Goes Calmly To War," in Henry Cassidy's *Moscow Dateline* (Cambridge, Ma.: The Riverside Press, 1943), p. 53. When Germany invaded the Soviet Union, Cassidy was getting ready to return to Moscow from a Black Sea holiday. His flight was cancelled so he talked his way aboard a train headed for Moscow. Since he had to travel through hundreds of miles of Soviet territory, Cassidy was able to write a story "of the provinces at war, of mobilization carried out with no apparent hitch, of the black-out installed effectively, of trains running promptly, of agriculture and industry running at top pitch." The story, carried by newspapers throughout the world, was "the first wartime descriptive article sent from Russia."
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Abstracts

History Division

The Scripps-McRae League Newspapers at the Missouri Borders: Failure of the *St. Louis Chronicle* and *Kansas City World*

By Ed Adams
Ohio University

Research on the lives and the business acumen of Joseph Pulitzer and William Randolph Hearst has been encompassing. This is not the case with E.W. Scripps, where most of the books and scholarly papers generated have focused on his philosophies and personality. Scripps was a portentous force in American journalism from the late 1870s until his death in 1926. At one time or another he owned more than 50 newspapers.

The Scripps' newspaper expansion plan identified grown industrial small cities that E. W. Scripps identified as having "stodgy" newspaper competition. The focus of this paper is to examine the first four newspapers of the Scripps newspaper empire. Two were a success – the *Cleveland Press* and the *Cincinnati Post* – and two were failures – the *St. Louis Chronicle* and the *Kansas City World*. The purpose is to provide a brief history of the papers and to assess the reasons for failure of the *Chronicle* and the *World*.

Behind News of Religion in the *New York Herald* in 1840: Innovative and Controversial James Gordon Bennett

By M. David Arant
University of North Carolina-Chapel Hill

In the mid-nineteenth century, the *New York Herald* had no equal in the secular press that devoted such attention to coverage of religion, and its thoroughness in reporting religious events rivals its present-day equivalent. This era was one of intense religious ferment, and *Herald* editor James Gordon Bennett was a journalist uniquely equipped to understand and report religion because of his religious upbringing and theological education.

This analysis of the coverage of religion in the May 1840 issues of the *Herald*, the period of the Moral War against Bennett, finds that at times Bennett was extremely offensive and irreverent in his religious allusions and coverage of religion. However, the keen focus on religious events, in particular the extensive reporting of the Holy Week meetings of the national interdenominational religious reform societies in New York City, established a benchmark for press coverage of religion. Though Bennett had rejected the institutional practice of religion, he retained religious values and insight that enlivened the news and commentary of the *Herald*.

Media Reactions to Two Classic Environmental Books

By Erika Archibald
University of Georgia

Media reactions to *Man and Nature* by George Perkins Marsh (published in 1864) and to *Silent Spring* by Rachel Carson (published in 1962) were examined as an exploration into the role of books in driving the environmental movement. *Man and Nature* is considered to be the first popular book relating the actions of man to the declining state of his natural environment. *Silent Spring* focused on the deleterious effects of pesticides on nature and mankind. Magazine articles on each book and its subject matter were examined for a period of one year before and after publication of each book. In addition, a close examination was made of coverage of each book and related subjects in the *Atlantic Monthly* and the *New York Times*.

Man and Nature received high praise from book reviewers, but no related articles on the subject matter were found in periodicals either before or after the book was published. The book was favorably reviewed by the *Atlantic Monthly* and the *New York Times*. *Silent Spring*, on the other hand, received extensive media coverage and set off a chain of events which resulted in even more stories. Most major magazines covered the subject.

In conclusion, while both books were best-sellers in their own right, their effects on the media were very different. These differences are probably largely due to the great differences in the media of the two time periods.

Still, there is evidence that books have indeed played a major role in creating environmental awareness and a need for further research on the relationship of this unique form of mass communication to social change movements.

The Technological and Artistic Factors Involved in American Civil War Photography

By Clark Baker
University of Alabama

Of all the photographic specialties, war photography is likely the most challenging. Nowhere is the art of photography practiced under more difficult circumstances. And no war was more brutal than the American Civil War. The Civil War was the first conflict to be thoroughly photographed. Photographers were on hand from the early Union defeat at Bull Run to the Confederate surrender at Appomattox in 1865.

Expectations on the part of the viewer also had a significant effect on the presentation of Civil War photographs. In order to accept the photograph "as an unmediated medium of picture-making," viewers expected an image that was technically unflawed, clear, inclusive, and finely detailed. They expected the photograph to present itself as reality. However, there were also artistic factors at work on the part of the photographer that often compromised this reality.

No Runs, No Hits, No Blacks: Wendell Smith, the Black Press, and a Strategy for Racial Equality in the Spring of 1946

By Glen L. Bleske
University of North Carolina-Chapel Hill

As Jackie Robinson faced his first major league test in the spring of 1946, Wendell Smith, sports editor of the *Pittsburgh Courier*, played a dual role that went beyond today's standards of professional and objective journalism. Besides giving his readers news that was marginalized by the establishment press, Smith and his national circulation newspaper, part of the Black Press, were advocates for social change.

Robinson's battle to win acceptance on the baseball field was translated by Smith into a battle against racial discrimination. Smith's plan for success required that he keep harping on the themes he had been writing about since 1937: the need for Negro self-confidence, self-reliance, and self-esteem. In Smith's writing that spring, a strategy is apparent. He selected news that fulfilled traditional roles of the Black Press, advocating social change while rooting for Robinson's success.

A Public Relations and Print Media Review of the 1948 Indiana Republican Convention Fight

By John V. Bodle
Ohio University

U.S. Senator William Jenner wanted the Indiana Republican nomination for governor in 1948. All three daily newspapers in Indianapolis covered various aspects of the campaign – from declarations of candidacy in February and March of 1948 to the party convention June 11. But only when all three newspapers are reviewed, along with outside sources, is it possible to understand how and why a standing U.S. senator could be upset in his bid to become governor.

This paper offers evidence that there has been little change in the way newspapers have covered American political campaigns and conventions during the last 40 years. Interviews with the reporters who covered the political campaign added enormously to the historical record by increasing insight and accuracy.

The Only Court-Martial of a Reporter in American History

By Maury M. Breecher
University of Alabama

The year 1863 was a turning point in the Civil War and thus in the history of the United States. Congress passed the first Draft Act and authorized President Abraham Lincoln to suspend the writ of habeas corpus in cases of possible disloyalty. Robert E. Lee invaded Pennsylvania only to lose the three-day battle at Gettysburg. Vicksburg, the "Gibraltar of the Confederacy," surrendered to General U.S. Grant, giving Union forces strategic control of the great Mississippi River. Louisiana and Texas were thus severed from the rest of the Confederacy.

But before any of these great historical events occurred, 1863 was known as the year that General William Tecumseh Sherman court-martialed *New York Herald* reporter Thomas Knox. That court-martial, the U.S. military's first attempt to legally prohibit reporters from the battlefield, can be seen as a first step toward the severe restrictions put on journalists during the 1991 Persian Gulf conflict.

Melancholy Accidents and Deplorable News: Sensationalism and the *South Carolina Gazette*, 1732-38

By David A. Copeland
University of North Carolina-Chapel Hill

Sensationalism is a term commonly used to describe a certain type of news associated with the Penny Press and "yellow journalism" of the nineteenth century. Sensationalism was not the creation of James Gordon Bennett or William Randolph Hearst; its roots run into sixteenth-century England and beyond. Most scholars omit the Colonial Period when speaking of sensationalism, however.

In this preliminary study of sensationalism in the Colonial Period, the *South Carolina Gazette*, under its first two printers reveals that sensationalism flourished – at least in Charleston – during the period. Printers Thomas Whitmarsh and Lewis Timothy used murder, rape, the power of nature, and human fear to provide interesting reading. The *Gazette's* sensationalism was just as graphic as that provided readers by the nineteenth-century newspapers. The abundance of sensationalism in the *South Carolina Gazette* leads to speculation that sensational news was a common feature of Colonial newspapers.

Ohio Newspapers and the 'Whispering Campaign' of the 1920 Presidential Election

By Douglass K. Daniel
Ohio University

The only sensation of the 1920 presidential election, according to a reporter of the time, was the "whispering campaign." Less than a week before Election Day, reports of rumors that GOP nominee Warren G. Harding had black ancestors appeared in some newspapers in Ohio, the home of both candidates.

This study traces the roots of the allegation, how 12 newspapers in Ohio reported the story, and why coverage differed among the papers. No mention of the controversy appeared in some papers, while others reported it with banner headlines.

The study concludes that decisions regarding coverage probably were tied in part to newspaper biases. Of the four newspapers that clearly reported the allegations, three were Democratic papers and one was Republican. Coverage decisions also may have been based on racial attitudes and newspaper practices common to the early twentieth century.

James Lawrence Fly and Some Unexpected Consequences of the Chain Broadcasting Rules

By Mickie Edwardson
University of Florida

The story of FCC Chairman James L. Fly illustrates the pressures that occur when a chairman tries to accomplish a regulatory goal that seems both necessary and unpopular. Fly found condemnation from Congress, the industry, the press, and his own commissioners. He also provoked some unexpected splits within the industry.

This story also illustrates the difficulties that can arise when an official agency (in this case, the U.S. Supreme Court) uses figurative language. And the incident reminds us that we need not place great faith in an industry's predictions of doom when it is threatened by unfavorable government action.

The example of James L. Fly shows how much beliefs concerning broadcast regulation have changed during the past half-century and also what a devoted public servant can accomplish by placing duty above personal consequences.

Like a Series on TV: Tall Tales Describe Adventures of Colorado's Sgt. O'Keeffe

By Fred Fedler
University of Central Florida

Few historians in the field of journalism seem to be familiar with Sgt. John Timothy O'Keeffe and his mule, "Balaam," nor with Judge Eliphalet Price and the *Colorado Mountaineer*. Yet the two men, mule, and newspaper were involved in Colorado's most famous tall tales.

The tall tales published in Colorado and other western states are curiously similar to stories in today's media. Like a series on television, many of the tall tales had a permanent cast of characters who appeared regularly for years. Many also had familiar plots and heroes.

The tall tales published in the West present a dilemma for historians in the field of journalism. Most historians have ignored the tales, apparently dismissing them as entertaining but unimportant: a relic of the past. Historians may also be troubled by the difficulty of studying the West's tall tales: by the problem of summarizing anything so numerous and diverse. Yet the tall tales may be more important than previously realized.

The *Asheville Citizen* Newspaper: Cross-Media Pioneer in Radio Broadcasting, 1922-29

By Don A. Grady
Elon College

This paper examines the first case of newspaper/radio cross-media ownership in North Carolina. By the time the *Asheville Citizen* put its first radio station on the air a pattern of newspaper ownership of stations had developed nationwide. The relationship between newspapers and radio was the topic of much discussion in the early years of broadcasting. Some newspaper owners perceived radio as a threat to the critical areas of news coverage and advertising. Still, many newspapers perceived radio as an opportunity, since the two media were similar in content, audience, revenue sources, and business structure.

This paper addresses the involvement of the *Asheville Citizen* in the development of radio during three periods: the experimental years (1922-24), the marketing and boostering years (1925-28), and the news and advertising years (1928-29). The *Asheville Citizen* was a pioneer in putting a station on the air prior to 1923. Although the newspaper did not own a station between 1925-28, the *Citizen* provided a moderate level of coverage of radio news as a community service. During the final period, the *Asheville Citizen*, as owner and operator, aggressively used and controlled this competitive new medium. During each of these periods, the type and extent of coverage given by the *Citizen* varied with the relationship of the newspaper to the station.

The *South Carolina Gazette*, 1732: A Personification of Society

By Julie Hedgepeth
University of Alabama

Long before the first camera was invented, an amazing innovation helped capture the likeness of Americans. That innovation was the newspaper, and its personification of society in printed form was as revolutionary as the printing press itself had been. While the printing press had brought Bibles, books, and broadsides to the public at large, the newspaper brought the public itself to the public.

It was a momentous change in the purpose and practice of the printing press. In capturing society's face and personality for everyone to see, the earliest American newspapers offered a common textbook to a diverse group of readers who were learning about themselves. By seeing themselves individually and collectively in print, Colonial Americans came to understand each other better and to have an idea where they were headed as a community. Or, they formed opinions about where the community ought to be headed, and they gave each other ideas about how it ought to be steered differently for its own good.

That sense of community-building was quite evident in 1732 when Benjamin Franklin and Thomas Whitmarsh pooled their resources and sent Whitmarsh to the boom town of Charleston, S.C., to start a newspaper. The *South Carolina Gazette* was to be the colony's first permanent newspaper, printing under various names and editors until the early 1800s.

The Development of the Video Display Terminal

By Ray Laakaniemi
Bowling Green State University

It could be argued that the video display terminal, a staple in news rooms for the past 20 years, had a

major impact on the economic well-being of American newspapers through the 1970s and 1980s. It had an impact on salaries, on unions, and on news room productivity. Ironically, the long-term profitability of newspapers may have been a secondary consideration for the two groups in Florida which almost simultaneously developed news room terminals in the late 1960s and early 1970s.

The *Daytona Beach News Journal*, together with several computer developers, brought about a system designed primarily to lower the cost of typographical errors. *Cocoa Today* was a test site for another VDT system, this one developed by military communications specialists at the Harris-Intertype Corp., in Melbourne, Fla.

The preparatory work and the field tests are outlined in this study. Upon completion of the field tests, the new technology spread like the proverbial wildfire through the newspaper industry.

The 'Nasty' Truth: Press Shortcomings in Commentary on the 2 Live Crew Obscenity Ruling

By Linda Lumsden
University of North Carolina-Chapel Hill

After a Florida judge ruled that the 2 Live Crew rap album, "Nasty as They Wanna Be," was obscene on June 6, 1990, media swarmed on the story. In the commentary that swirled about the issue during the following months, the issue of free speech collided with concerns about the lyrics' celebration of sexual violence.

Commentators virtually unanimously condemned the ban as a blow against free speech. For some, that was the main issue and the discussion ended there. But for others, the main issue was the sexually violent lyrics' misogyny. Still others said the main issue was racial: They charged that the prosecutions were racist attacks not only on a black band but on black culture.

The purpose of this paper is to examine how commentators in several national magazines, the *Washington Post*, and the *New York Times* weighed free speech concerns against concerns about misogyny when writing about "Nasty" in opinion and analysis pieces. The subject is important because which aspects of the 2 Live Crew controversy the press chose to emphasize or ignore sheds light on its priorities and limitations. The paper concludes that journalists' self-interest in championing the First Amendment, as well as male domination of the print media, largely explain why the "Nasty" debate centered on free speech rather than on the album's misogyny.

Public Relations and the Strategic Ritual of Objectivity: The American Press and the Smoking Controversy of 1953-54

By Karen S. Miller
University of Wisconsin-Madison

Top Student Paper, History Division

In January 1954, the chief executive officers of several major tobacco companies joined together to fund the Tobacco Industry Research Committee, a group which provided research to scientists studying the links between smoking and disease. More importantly, the TIRC served as the public relations arm of the industry in a time of immediate crisis. By the mid-1950s, scientists had begun to publicize negative reports about cigarette smoking, which appeared to result in a drop in consumption and other negative effects for the industry.

Not surprisingly, objectivity and balance dictated the response of the press to the controversy. Reporters therefore tended to seek both scientists' and manufacturers' viewpoints when writing stories on the cigarette scare.

Aware of the objectivity rule, the industry's public relations counselors influenced the outcome of the health scare by portraying the crisis as a conflict within the medical community. From a journalist's perspective, then, both sides had been covered, meaning the industry's responses were virtually always printed alongside the accusations made by scientists. Although researchers made credible claims backed by strong evidence, the industry counterattack, which took advantage of objectivity and balance, constrained reporters from fully informing the public, even when those reporters believed the scientists were correct.

Elihu Embree and His Anti-Slavery Papers

By Jack Mooney
East Tennessee State University

Elihu Embree, Quaker iron manufacturer, edited and printed two abolitionist newspapers in 1819 and 1820 in Jonesborough, Tenn. The first paper was a broadsheet, titled, the *Manumission Intelligencer*, and carried a mixture of local information, material borrowed from other papers in the Northeast, and abolitionist propaganda, written by Embree and other members of the Tennessee Manumission Society. The second paper was *The Emancipator* and was printed from April until December 1820, when the paper ceased publication upon Embree's death. *The Emancipator* carried only material that related to the abolitionist cause, making it the first newspaper totally devoted to the anti-slavery cause in the U.S.

Benjamin Lundy, a Quaker leather craftsman, upon learning of Embree's death, started his abolitionist newspaper, *The Genius of Universal Emancipation*, in Mount Pleasant, Ohio, in 1821. Lundy was invited by Embree's father and the Tennessee Manumission Society to move to Tennessee and continue printing an abolitionist newspaper there. Lundy moved to Greeneville, Tenn., where he was supported by the Tennessee Manumission Society. The society, which owned the press *The Emancipator* had been printed on, made the press available to Lundy to publish his paper. Lundy used the press until he moved to Baltimore in 1824.

Peter W. Alexander: The 'Prince of Correspondents'

By James Ford Risley
University of Georgia

This paper traces the life and work of Peter W. Alexander, a Civil War correspondent from Georgia. Alexander, who reported for the *Savannah Republican* and other papers, was an outstanding journalist who earned the title "Prince of Correspondents."

Alexander's battlefield reports were recognized for their graphic style and the profusion and dependability of information they contained. Beyond that, the correspondent displayed a deep interest and concern for the common soldier. He repeatedly criticized the Confederate government for its inability to provide proper clothing, supplies, and medical treatment for the troops. Alexander was a staunch defender of a free press, but he was not blind to abuses by many of the correspondents in the field. Throughout the war, he criticized the press for creating news instead of reporting the facts.

Despite the quality of Alexander's work, little research has been conducted into his life or correspondence. This paper picks up where others have left off, arguing that Alexander was one of the finest Southern correspondents of the war.

The Origins of CMQ: Pre-Castro Cuba's Leading Radio Network

By Michael B. Salwen
University of Miami

When Fidel Castro came to power in Cuba in 1959, Havana had 33 radio and six television stations. Many scholars have described how Castro used these privately owned, commercial stations to strengthen his political position after the revolution and purge the government of his enemies.

The fascination with Castro's use of Cuba's broadcast media has diverted scholarly attention from the highly developed national broadcasting system in Cuba that existed before Castro came to power. As a result, there is an embarrassing lack of knowledge about broadcasting in Cuba prior to 1959.

This paper describes the origins and growth of the CMQ radio network (Circuito CMQ, S.A.), pre-Castro Cuba's predominant radio, and later television, network, founded in 1933 by Miguel Gabriel and Angel Cambo Ruiz.

The 'Experiment' of the 99th Pursuit Fighter Squadron as Reported by the Black Press and the Mainstream Press, 1940-44

By Kenneth S. Sexton
University of Georgia

The World War II-era story of the "Tuskegee Airmen," the first black pilots trained for U.S. military service, was of vital importance to readers of the two leading black weekly newspapers of the 1940s. Not surprisingly, those two black weeklies provided comprehensive coverage of the

Tuskegee story – far more coverage than any mainstream national weekly news magazine of the time.

Yet, neither the black weeklies nor the mainstream publications, save one, were aware of the near-failure of the "experiment" of the 99th Pursuit Fighter Squadron, the "Tuskegee Airmen."

Chaos, Polemics, and America's First Newspaper

By Wm. David Sloan
University of Alabama

Top Faculty Paper, History Division

Massachusetts in 1690 was on the verge of anarchy. Benjamin Harris, a confident and bold Bostonian experienced in London journalism, decided a newspaper was needed and conferred with a few knowledgeable townspeople. He was especially concerned that the newspaper carry nothing but accurate reports. Despite Harris' good intentions, the provisional governing council suppressed the paper almost immediately after publication. Thus this first American newspaper, *Publick Occurrences, Both Forreign and Domestick*, lasted only one issue, prohibited for a variety of reasons.

This paper examines Harris' motives in starting the newspaper and reasons the governing council suppressed it.

Although Harris was influenced greatly by strong religious motivations, the newspaper's suppression was not, as some historians have declared, the handiwork of Massachusetts' Puritan clergy. On the contrary, the government's action was motivated in part by efforts of an energetic faction opposed to the leading clergyman, Increase Mather. The brief episode of *Publick Occurrences* was the up-shot of the strong religious and political influences that had been at work in English life for the past century and in Massachusetts since the founding of the colony. The political chaos that confronted the colony in 1690 was instrumental in the newspaper's suppression.

Goodbye, Mother Helen (Among Others): The 1935 FCC Campaign Against Fraudulent Medical Advertising

By F. Leslie Smith
University of Florida

In March 1935, the Federal Communications Commission launched its first campaign to ensure that broadcasters programmed in the public interest. The FCC's law department ran the campaign, focusing on the elimination of fraudulent medical radio advertising. Eighteen stations underwent hearings for airing such advertising, most often for one or more of seven particularly egregious firms. The campaign alarmed broadcasters and advertisers, involved other government departments, and was shut down by the FCC after eight months.

Only one station lost its license, but several of the commission's final decisions played roles in subsequent legal proceedings. The origins for the campaign can be traced to a number of factors, ranging from the inadequacy of the 1906 Pure Food and Drug Act to a Federal Trade Commission program to eliminate fraudulent advertising from print media.

The President and the Reporter: Tracing Allegations of Scandal

By Robert L. Spellman
Southern Illinois University

President Theodore Roosevelt crafted a new style of press-White House relationship that focused on the reporter. As soon as he succeeded William McKinley as president, Roosevelt inaugurated a system of personal relationships that traded freedom of information for reporters in return for White House control of what information was published. Those reporters who cooperated were rewarded with free access to Roosevelt and a continuing flow of daily information about the nation's politics and government. Any reporter who did not follow Roosevelt's rules on release of information was denied further access to information.

For reporters who cooperated with the system, access was unparalleled. Oscar King Davis, the *New York Times* reporter, said of Roosevelt that when "he gave his confidence to a correspondent, he gave it completely, and trusted in the correspondent's judgment and sense of propriety as to the use that was made of it."

This paper is a case study of how the White House helped Davis get a series of stories, including exclusives and others with exclusive information, on the Panama Canal libels. The libels included allegations that members of the families of Roosevelt and William Howard Taft, the man Roosevelt picked in 1908 as his successor, reaped corrupt profits from the purchase by the

U.S. of the properties of the French company that started construction of the Panama waterway. The access and aid Roosevelt gave Davis demonstrates the personal attention Roosevelt paid to White House newsmen and the effort he was willing to exert to help them when his interests would be served.

Scientific Communication and Patronage in Early Modern France

By Jane T. Tolbert
University of Florida

On one occasion, a seventeenth-century French patron, Nicolas-Claude Fabri de Peiresc sent a correspondent orange flower water and Angora cats in order to view an ancient vase. In letters to other correspondents, Peiresc asked for telescopic observations to be made from pyramids or for precisions on astronomical measurements. Such requests for information or services sent through personal correspondence networks might be rewarded by gifts of instruments or patronage positions.

The purpose of this paper is to examine Peiresc's use of patronage to develop and disseminate scientific activity in the early seventeenth century. Patronage and gift-buying provided a means of achieving self-advancement and legitimizing scientific activities when empirical science threatened to undermine the traditional textual authorities of the Scriptures and Aristotle.

The *Mobile Advertiser and Register:* Sectionalism and Journalism

By Elizabeth K. Viall
University of Alabama

The Civil War changed the climate for the press in the South. The common cause — winning and surviving a war — took precedence over partisan politics. Such was the case with the *Mobile Register* and the *Mobile Advertiser.*

The owners of the two papers joined their publications in 1861. Economics played a large part in the merger. But it was also a decision of individuals. The *Register* was owned and edited by Col. John Forsyth, a staunch States Rights proponent and Southern patriot. The *Advertiser* was owned and edited by Willis Gaylord Clark, a champion of education and a Yankee. Under the influence of these two men, the combined *Advertiser and Register* not only promoted Southern unity but also delivered news to the people of the Confederacy.

Law Division

Promises To Keep: Press Liability for Breach of Anonymous Source Contracts

By Laurence B. Alexander
University of Florida

Last term, the U.S. Supreme Court decided *Cohen v. Cowles Media Co.*, a case that could significantly affect journalists' relationships with their news sources. In that case, the High Court allowed a news source who had been "burned" by two Minnesota newspapers to maintain a suit for breaching a promise of anonymity to him. In reversing the decision of the Minnesota Supreme Court, the majority of the U.S. Supreme Court concluded that the First Amendment is not violated by the application of promissory estoppel, a contract law doctrine that enforces promises to protect people who rely on them.

This case analysis reveals that as a result of the ruling in *Cohen*: 1) Legal principles, not ethical ones, now will govern the decision of whether journalists violate their confidentiality agreements with sources; 2) Promissory estoppel may be used against journalists who breach confidences; and 3) Journalists may begin to significantly decrease their reliance on confidential sources and be more careful in making promises to sources.

The Parody-Copyright Dilemma

By Andy Bechtel
University of North Carolina-Chapel Hill

This paper examines some issues involved in the conflict between trademark and copyright law and the freedom of expression right of parody. Recent cases that were decided at the federal level provide insight into the direction of this area of media law.

The line between "fair use" and infringement continues to be a blurry one. In addition, copyright and trademark laws are increasingly intertwined, as the case of *Cliff Notes v. Bantam Doubleday Dell Publishing Group* illustrates. In this instance, the makers of the Cliff Notes study guide attempted to stop *Spy* magazine's parody of their product on both grounds. As a result, arguments on both sides meshed copyright and trademark law, a trend that appears to be on the rise. Still, despite the murkiness of this area of the law, there are signs that the courts may be allowing parodies to go further in mimicking their targets.

Cooling Off Hot Phone Lines: The Regulation of Dial-a-Porn

By Colleen E. Boyle
Loyola University

On January 27, the Supreme Court refused to hear a case which challenged a 1989 federal law requiring all commercial sexual messages to be blocked by telephone companies, unless customers ask in writing to receive them. This was the most recent decision in the hot battle over dial-a-porn.

Since its inception in 1983, dial-a-porn has been a lucrative and controversial business. Congress has repeatedly attempted to regulate dial-a-porn, and dial-a-porn providers have repeatedly contested the regulations. The battle line is drawn between the First Amendment rights of adults and the right of the government to protect children from potentially harmful influences. In 1989, the Supreme Court attempted to settle the matter in *Sable Communications v. FCC*. The court found a Congressional ban on obscene dial-a-porn constitutional, but struck down a ban on indecent phone messages.

However, this decision did not end the battle. New regulations have spawned new court cases, and although the matter is settled for the moment, it seems unlikely that the truce will last. A loophole in the latest regulations will undoubtedly cause Congress to pass yet another amendment restricting dial-a-porn, and the battle will continue.

Levels of First Amendment Scrutiny and Cable Access Channel Requirements

By Matthew D. Bunker
University of Florida

Cable operators have increasingly begun to regard themselves as electronic publishers who are entitled to

the status of full-fledged First Amendment speakers. Yet many franchise agreements require cable operators to provide access channels for public, educational, and governmental purposes. These access requirements mandate a level of government involvement in the content of cable that would almost certainly be unconstitutional if applied to newspapers.

This paper examines the relatively small number of court decisions that have passed on access channel requirements. The author argues that the outcomes of these constitutional decisions – which are mixed – are apparently connected to the level of constitutional scrutiny the courts chose to apply.

Under strict scrutiny, the highest First Amendment standard, courts have struck down access requirements as violative of free expression rights. Those courts that have applied the so-called *O'Brien* test, a lower level of scrutiny, have upheld access requirements. The author suggests a means of determining the level of First Amendment scrutiny most appropriate for access cases.

Regulation of Indecency on Cable Television

By Eurydice Bush-Harrison
Loyola University

This study looks at regulation of cable television programming content and its relationship to the First Amendment, particularly the regulation of indecent programming on cable.

This paper discusses cases considered by the courts in their efforts to determine how cable programming should be regulated. It is an attempt to answer whether it is constitutional to regulate indecency on cable and, if so, whether the same standard should be used as in broadcast television.

Injunctions and Operation Rescue: An Historical Comparison of Incursions into First Amendment Rights

By David A. Copeland
University of North Carolina-Chapel Hill

Injunctions have been a method used to curtail First Amendment rights in the U.S. since the last half of the nineteenth century. The primary targets of those injunctions have been labor and civil rights protesters. During the last decade, abortion protesters have repeatedly found their protests curtailed by injunctions.

This paper seeks to discover the parameters courts have set on First Amendment rights for abortion protesters through injunctions. It then provides an historical comparison of those actions to similar actions taken against labor and civil rights protesters.

The results demonstrate that injunctions are obtained with relative ease against the protesting faction. First Amendment freedoms of abortion protesters are being curtailed with little complaint from the American public, a fact masked by the offensive tactics and methods of the protesters.

Racist Speech: A First Amendment Issue on College Campuses

By Tim England
University of Tennessee

Several universities have adopted student codes of conduct that are specifically aimed at restricting racially insensitive speech – slurs, epithets, and offensive symbols – with expulsion being a possible punishment. Enactment of such codes has generated heated debate over whether universities should attempt to restrict speech. This paper reviews the arguments for and against suppression of racist speech with law review articles and related court cases used as primary sources. There is no attempt to defend or advocate a position.

Of interest is whether speech codes will hold up to judicial scrutiny. Evidence so far indicates they will not. Two universities have had their codes challenged in court, and both were ruled unconstitutional. The paper examines the courts' reasoning for dismissing speech codes, and it looks at arguments that could be used in the future to advocate the position that racist speech should be suppressed.

Courts Open Their Doors to the Media: A Review of the Media's Right of Access to Judicial Proceedings as Established by the U.S. Supreme Court and Expanded by the State of Texas

By Kathy R. Fitzpatrick
Southern Methodist University

Media access has replaced libel as the top litigation issue facing many news organizations today. Access to

judicial proceedings in particular has claimed much recent attention. Historically, American courtrooms were open to the public and the press, and the question of media access to judicial proceedings was rarely the subject of litigation. In 1976, however, when the U.S. Supreme Court barred the use of restrictive orders to control publicity about criminal cases, the courts turned to closed proceedings as a means to block the media from gaining access to potentially prejudicial information.

By 1980, dozens of cases had involved proceedings closed to the public and media by judicial order. During that year, the U.S. Supreme Court heard the first of several cases that would lead to the establishment of a Constitutional right of access to criminal trials and would help determine related media access questions in state and federal courts.

Today, a trend toward "openness" has become evident. In spite of - or perhaps because of - the Supreme Court's failure to define the scope of the media access right, journalists have made great strides in gaining access to the courts. Several states, including Texas, have become precedent-setting leaders in allowing media access to judicial proceedings. This paper reviews the U.S. Supreme Court's development of the media's First Amendment right of access to judicial proceedings and examines the expansion of that right by Texas courts. The paper concludes with a discussion of the responsibility that accompanies the media's expanded right of access.

Media Access to Prisons and the First Amendment Rights of the Press: How Prison Administrators and Journalists Deal with Each Other

By Dandan Gao
Southern Illinois University

In trying to gain access to correctional institutions, the news media have often had limits placed on their news-gathering, especially on the conducting of face-to-face interviews. In balancing free press rights and the inmates' free speech rights against the interest of the correctional institutions in keeping the prisons secure, the courts have usually found the governmental interests in prison security stronger.

This paper reviews the major cases and research on the issue and, for practical perspective, reports interviews with two correctional administrators.

Media Access to War Zones: Lessons from the Persian Gulf War

By Paul H. Gates, Jr.
University of Florida

Although combat operations during the Persian Gulf War were an overwhelming success, the management of news flowing from Saudi Arabia and the handling of media representatives trying to cover the action has not received the same enthusiastic response from editors and news directors. Restricted movement, censorship of dispatches, media pools, and the presence of military public information officers at interviews all left the feeling that the "real story" was not told during the fighting.

The issue of constitutionality of wartime press restrictions has never reached the U.S. Supreme Court. The few cases that have addressed the press' freedom to report in the context of national security have been "prior restraint" cases. These cases involved efforts to block publication of information already in the hands of the press. Access generally has come before the court only in cases involving the press' right of access to courtrooms and prisons, with mixed results.

The sole appellate consideration of the issue comes from a U.S. Court of Appeals that never reached a decision in the case which presented it. However, the court's reasoning in dismissing the complaint suggests that the First Amendment violations alleged might have been valid. For these and other reasons outlined, the question of access to war zones is ripe for determination by the U.S. Supreme Court.

Actual Malice as 'Purposeful Avoidance of Truth': Good News or Bad for the Press?

By W. Wat Hopkins
Virginia Polytechnic Institute &
State University

Since *New York Times Co. v. Sullivan* was delivered in 1964, "actual malice" has been an integral part of libel law in the U.S. Defined as knowledge of falsity or reckless disregard for the truth,

actual malice was intended to be a sturdy, new protection for critics of public conduct. Since then, the Supreme Court has resolved questions involving actual malice more than a dozen times. In only two of those libel actions did the court rule that the actual malice test was met – *Curtis Publishing Co. v. Butts* and *Harte-Hanks Communications, Inc. v. Connaughton*.

These cases focus on specific activity the court determined to constitute reckless disregard – as opposed to knowledge of falsity. They are, therefore, the court's most significant explications of this prong of the actual malice test. In addition, *Harte-Hanks*, expanding upon concepts first enunciated in *Curtis Publishing*, may well signal a turning point in the way actual malice is treated by both trial and appellate courts. The question becomes, whether this turning point is to the benefit or detriment of the press.

This paper briefly explores the Supreme Court's pronouncements on actual malice before *Harte-Hanks*, then turns to an examination of the significance of that case and the response to it by appellate courts. Finally, the paper assesses the impact of *Harte-Hanks* on the press.

Works for Hire in Campus Newspapers: Who Owns the Copyrights in Students' Stories, Photos and Cartoons?

By Geoffrey Hull
Middle Tennessee State University

Disputes over the ownership of copyrights in works created by students for campus newspapers must usually be resolved by an investigation into the status of the student as an "employee" of the newspaper. If the student is an "employee" then the works created are works-for-hire and the newspaper or university owns the copyrights.

A review of the 13 tests of employee status required in works-for-hire cases by the U.S. Supreme Court in *Community for Creative Non-Violence v. Reid* reveals that the university or paper is not likely to be viewed as the employer. The best way for the paper to acquire the copyrights is to enter a written agreement with the student which states that the works are deemed to be for hire under the provisions of the Copyright Act since they are contributions to a collective work.

Hear No Evil: Is a Ban on Indecent Radio Broadcasts a Narrowly Tailored Means of Protecting Residential Privacy?

By Arati R. Korwar
University of North Carolina Chapel Hill

Although the Federal Communications Commission's primary reason for advocating a ban on indecent broadcasts has been the protection of children who may be in the audience, the agency has said that protecting adults' privacy in the home is another reason to support a ban. If the U.S. Supreme Court were to consider the FCC's case for the ban, it seems reasonable to expect that the court would judge a ban imposed to protect residential privacy on the same terms it judges bans on other non-broadcast protected speech imposed to protect residential privacy.

An examination of the court's decisions in these non-broadcast speech cases yields a number of relevant issues: whether the audience for the speech is the general public or only the resident, whether the speech clearly crosses the speech-action line to action, and whether a resident can avoid the speech.

It does not seem likely that the court would support a ban on indecent radio broadcasts to preserve privacy at home. Indecent speech on the radio is not directed at the individual resident. It is directed at the public at large. It would be exceedingly difficult to show that indecent speech on radio constitutes action because there is only the sound of a voice and no physical body to act. Furthermore, exposure to indecent speech on the radio, once the resident deems it offensive and unwanted, can be avoided by turning off the radio or changing to another station. Therefore, the court's record in other communications cases does not support a ban on indecent radio broadcasts.

The Censorship Issue at *Pacific Stars and Stripes*

By Ray Laakaniemi
Bowling Green State University

From 1986-90, the *Pacific Stars and Stripes* newspaper in Tokyo was embroiled in a dispute between its civilian editors and its military publisher over whether the paper was being censored. The General Account-

ing Office was ordered by Congress to investigate, and its 121-page report led to major changes, chief among them a civilian editor-in-charge.

This study traces the history of censorship at the *Stars and Stripes* newspapers, both in Europe and in Tokyo. The two papers are published for the military and its dependents in Europe and Asia. Tradition has it that General John J. "Black Jack" Pershing and General and later - President "Ike" Eisenhower both stated bluntly that the military was not to interfere in the editing of "the soldier's newspaper." In practice, however, there is ample evidence of all but continuous interference in the news function by military officers over the years, the heaviest in Japan after World War II.

An extensive discussion of the background of the problem and the dispute which the GAO investigated is included.

Sticks and Stones: Why First Amendment Absolutism Fails When Applied to Campus Harassment Codes

By Linda Lumsden
University of North Carolina-Chapel Hill

The purpose of this paper is to analyze how and why absolutist arguments against campus harassment codes violate the spirit of the First Amendment. The paper traces the development of current First Amendment doctrine and analyzes its inadequacy in the campus hate speech debate. It argues that the marketplace of ideas, while useful for championing the rights of vulnerable individuals and groups speaking up to larger powers, is inappropriate when applied to campus "bullies" out to intimidate disempowered minorities. The paper contends those minorities' First Amendment rights are abridged by hate speech because the intimidation serves to silence them.

The paper examines 22 law journal articles written in 1990-91 and analyzes the authors' proposals for reconciling free speech and equal protection on campus. All of the authors deplore the rise of campus racism and agree something should be done about it. Fourteen authors supported some form of campus harassment codes. Interestingly, even writers coming from different ends of the spectrum – those wary of restricting speech versus those emphasizing the burden harmful speech imposes on its victims – ended up in near agreement as to how far universities actually should go toward regulating campus hate speech. The paper concludes that is is constitutionally possible to regulate those forms of campus hate speech targeted at individuals without infringing upon the First Amendment.

Analysis of the Computer Security Act of 1987 and Its Consequences for the Freedom of Information Act

By Shannon E. Martin
University of North Carolina-Chapel Hill

The Freedom of Information Act was signed into law 25 years ago as a Congressional reaction to executive branch overzealousness for information security. But executive branch overzealousness for information security has found new avenues around FOIA, the author suggests in this paper, and the Computer Security Act of 1987 is such an example.

The Computer Security Act was the result of specific executive branch action – an executive directive restricting "sensitive" information as if it were a legitimate classification traditionally employed by government agencies to protect government-held data in the interest of national security. The problem that legislative members had with the executive branch directive – executive branch control over what is not classified, but classifiable – was not a new problem for Congress. Congress acted to quell the outrage felt by some members of that body, but acknowledged in the Computer Security Act language that the executive branch is primarily responsible for determining what kind of information needs to be classified.

Conjunctively, the use of FOIA's Exemption 1 and Exemption 3 as tools in tandem for denying requests is growing increasingly frequent, and courts are giving way to "experts" in the field of security litigated decisions. The author describes on what basis the court has decided Exemption 1 and Exemption 3 cases in order to suggest how the court might apply those precedents in deciding a dispute over information restriction under the Computer Security Act. In conclusion, the author suggests that eventually the unofficial classification of information legislatively established by the Computer Security Act will affect FOIA requests by encouraging greater use of Exemption 1 and Exemption 3 in FOIA requests.

It's Not Easy Being Green: Regulation of Environmental Claims in Advertising

By Gina Norman
University of North Carolina-Chapel Hill

The public shows an increasing preference for products that have less environmental impact, and marketers are cashing in on the preference by promoting a wide range of "green" attributes for their products. These claims, which range from the reasonable to the thoroughly implausible, remained mostly unchallenged until the latter part of 1989. At that point several groups became embroiled in the debate about when and how these claims should be regulated and by whom.

This paper discusses the history of the environmental advertising debate, elaborates some of the arguments for and against regulating "green" claims, and describes the different groups that might have some input in the regulation process and their views on what constitutes a fair ecological claim. In addition, the paper discusses the few case precedents and laws that have been created and presents questions about the regulation of environmental claims in advertising that remain unsolved.

Prison Newspapers and Non-Prisoner Newspapers: *Martin and Chronicle Publishing Co. v. Rison* Contests Governmental Prior Restraint

By W. Robert Nowell III
California State University-Chico

Many federal prison officials, attempting to preserve security within prisons, enforce against inmate journalists regulations that limit the editorial discretion of outside newspapers that wish to publish prisoners' writings? *Dannie Martin and The Chronicle Publishing Co. v. R.H. Rison* is the only case in which a federal court has ruled that First Amendment protection for the editorial judgments of newspaper professionals is diminished when it is asserted against a prison regulation.

Inmate Dannie Martin and the *San Francisco Chronicle* were unsuccessful in their appeal of their 1990 defeat in a federal trial court because the Ninth Circuit Court of Appeals dismissed the appeal as moot, because Martin had been released from prison. Thus, the First Amendment issues raised by the suit are capable of repetition yet evading review.

The key to the *Martin* decision, and possibly to future cases like it, is which balancing test a court applies when editorial discretion collides with the governmental interest in maintaining secure prisons. The *Procunier v. Martinez* standard, favored by Martin and the *Chronicle*, allows limits on prisoner/non-prisoner communication only when government asserts an "important or substantial interest" and only when its regulation is the least restrictive of the First Amendment. The *Turner v. Safely* test, asserted by the Justice Department, permits limits on this type of communication whenever government asserts a "rational" interest and uses "reasonable" regulations. The author argues that as the federal judiciary becomes increasingly conservative, courts are likely to employ the more deferential *Turner* test, as the federal trial court did in deciding *Martin* for the government.

Impact of *Leathers v. Medlock*: An Analysis of the Law of Media Taxation

By Cathy Packer
University of North Carolina-Chapel Hill

This paper examines U.S. Supreme Court decisions regarding the constitutionality of taxation of the mass media. It explores whether the court's 1991 decision in *Leathers v. Medlock* changed the law significantly, as some have said, and, if so, how. It also discusses the implications of *Leathers* for future judicial decision-making in this area.

In *Leathers v. Medlock*, the court ruled that Arkansas' generally applicable sales tax, which exempted all media except cable and satellite television services, did not violate the First Amendment. That appears to contradict the court's 1983 *Minneapolis Star & Tribune Co. v. Minnesota Commissioner of Revenue* decision, which said states that single out the media for taxation or discriminate among the media for purposes of taxation violate the First Amendment.

However, this paper concludes that the Supreme Court's decision in *Leathers* does not represent a substantial change in the law governing taxation of the media. Rather, the case represents one step in the evolution of two distinct lines of media taxation cases. One line comprises cases that determine the constitutionality of tax schemes that single out the media to

be taxed. The other line comprises cases that determine the constitutionality of generally applicable taxes from which some media might be exempt. The court appears to evaluate tax schemes from the two lines differently.

The Battle for Access to Government Records, Round Two: Enter the Computer

By Sig Splichal & Bill F. Chamberlin
University of Florida

Top Faculty Paper, Law Division

Federal, state, and local governments are converting public records to computer formats at a rapid pace, creating novel issues with respect to public access. Record requesters are finding access laws, written when most documents were on paper and stored in file cabinets, inadequate when applied to requests for records held in government computers.

As a result, requesters have turned to the courts to define the contours of public access in the computer age. Several court cases suggest government agencies are using the fact that information is in a computer as an excuse for withholding records.

This paper suggests a need to rewrite access laws to acknowledge the pervasive role of computers in government. It proposes a 15-point approach to computerized information to help guide the public and media in their quest to ensure that computers are used to enhance public access, not undermine it.

Freedom of Information and the Indifferent Masses: Reshaping the Public's Attitudes Toward Openness in Government

By Lawrence C. Timbs, Jr. & Marilyn S. Sarow
Winthrop College

The good news is we have a fair amount of openness and accountability in government. Every state in the U.S. and the District of Columbia has a "sunshine" or open records/open meetings law offering public access to certain government-held documents and to a wide range of government meetings. The basic rationale for these laws is that government secrecy, except in a few clearly defined instances, is inconsistent with an open democratic society.

The bad news is that the public is uninformed or apathetic about "sunshine laws." In spite of heavy use of FOI laws by business and industry, the public often concluded that such laws and privileges apply only to "credentialed" journalists.

Knowledge of how to access government records should be a part of every citizen's education. Yet our educational institutions often leave the transmission of this knowledge to the journalism instructor and to no one else. This paper is an attempt to begin examining these issues. It offers some practical suggestions on how FIO consciousness can be raised at all levels, heightening the awareness of the masses about sunshine in government.

Media Access to Juvenile Courts in Illinois: One State's Experience with Permitting Reporters Inside

By Chyrese Wolf
Southern Illinois University

Media access to juvenile courts is discussed in an overview of U.S. Supreme Court cases and a detailed description of Illinois cases. As the Supreme Court cases discussion unwinds, a trend becomes visible. The trend is that the media are usually not permitted inside the juvenile courts unless the public also has access.

The Illinois Juvenile Court Act of 1987, however, breaks this trend. It provides the distinctiveness between the Illinois juvenile court and other states. The act specifically allows the media and not the public inside juvenile court proceedings. The only restriction the act imposes is that the media are not allowed to disclose the identity of the juvenile.

These points are explained through a detailed twenty-year history of cases.

The Innocent Construction Rule as a Libel Defense: Ten Years After 'Reasonable' Modification in *Chapski*

By Kyu Ho Youm
Arizona State University

When a statement is so ambiguous that it is capable of both defamatory and non-defamatory interpretations, in most jurisdictions it is the jury that decides whether the statement is to be interpreted in a defamatory way. Under

the so-called "innocent construction rule," however, the judge makes the initial determination. The innocent construction rule, as originally set forth by the Illinois Supreme Court in 1962, stated that allegedly defamatory publications are to be read as a whole and the words given their natural and obvious meaning and that words which are "*capable* of being read innocently *must* be so read and declared non-actionable as a matter of law."

The Illinois Supreme Court in *Chapski v. Copley Press*, noting that the interpretations of the innocent construction rule over the years were inconsistent and confusing, modified the rule in 1982. The court stated that under the modified innocent construction rule, a defamatory statement may be given an innocent construction only if it is *reasonable* to do so.

More than 50 reported libel cases have, in varying degrees, been adjudicated on the basis of the modified innocent construction rule since 1982. This study examines the ten-year judicial application of the modified libel defense in Illinois. Three questions are explored. First, how was the pre-*Chapski* innocent construction rule applied before 1982? Second, how was the innocent construction rule modified in *Chapski v. Copley Press?* Finally, what has been the impact of the modified rule upon the Illinois libel law to date?

A Coorientational Study of Accuracy Between Sources and Reporters: How Frequent Are Errors and Who Is Responsible?

By Ed Adams, John V. Bodle & Robert Nanney
Ohio University

Accuracy is paramount in news reporting. To inform the public fully, news stories must accurately detail the facts involved. Yet often the reporter is not on hand for the breaking news event. He or she must rely on those with first-hand knowledge of the incident to piece together a news story. The source, too, must trust the reporter. Sometimes the source volunteers to assist the reporter in the news-gathering process. Other times sources are forced to defend themselves publicly from criticism. Either way, the source must trust the reporter to relay his or her words accurately. The reporter assumes a gate-keeping role when determining which words should be included in the story. Sources are dependent on the reporter to disseminate their words accurately.

Few research studies have explored the perceptions of both the source and reporter on a given story. Such research could determine patterns as to who is most commonly at fault in this coorientational conflict. This study investigated these gate-keeping and coorientational conflicts between sources and reporters at three rural Ohio newspapers. Both source and reporter were interviewed and their responses were quantified for significant patterns in this volatile area of journalism.

Special Circumstances, Routine Coverage: The Associated Press and AIDS

By Julie Andsager & Dorothy Bowles
University of Tennessee

Because the information the public gets about AIDS affects people's actions, it is important to know the sources for that information. This paper sought to answer the following research questions: Who were the sources of information for Associated Press stories about AIDS? In terms of governmental sources, were the sources mostly political, administrative, or scientific? What AIDS-related topics did the AP emphasize? What sources provided information on what AIDS-related topics?

A content analysis was conducted to determine the sources used in a sample of Associated Press stories about AIDS during 1985 and part of 1986. To determine the extent of the media's reliance upon various sources, each source attribution was coded, along with the topic discussed by that source. Data were analyzed by source frequency and topic frequency. Z-score tests of proportional differences were performed on the source categories and the topic categories.

Government personnel constituted more than 40 percent of the sources cited in the AP articles in this study. AP articles included information about civil rights issues significantly more than they considered four of the other subject categories in the study. The Associated Press' emphasis on civil rights issues and the epidemiology of the disease, which are more likely than other topics to impact people who do not have the AIDS virus, may reflect the media's attempt to generalize AIDS coverage to traditional news values such as impact and conflict. This finding further substantiates the idea that the media tried to make the disease of interest to the general public, rather than discuss the minority groups that first contracted AIDS.

Media Critique of U.S. Press Coverage of the Persian Gulf War

By Morgan David Arant
University of North Carolina-Chapel Hill

This study analyzes the media critiques of press coverage of the 1990-91 Persian Gulf War, appearing in the U.S. print media from August 1990-August 1991. The study reveals that the sometimes contradictory media critiques of the coverage addressed a broad range of issues, most of which are unresolved nine months after the shooting stopped. Most of the media commentary criticized the way the military handled the press during the war and focused on the system of pools of

reporters selected to cover the war and the review of pool reports by military officers prior to release to the public.

There were also many complaints about the content of coverage. Some complained that coverage was too partisan, almost jingoistic; others complained that coverage was too sympathetic to the enemy. Other complaints included that coverage was too superficial and failed to get at real issues, that reporting did not challenge U.S. policy of going to war and seemed to rely heavily on the Bush administration-military sources, and that coverage centered on wonders of sophisticated weaponry and failed to report to Americans what those weapons and their masters were doing to Iraq. Finally, the questions raised and answers suggested in the media critiques of war coverage seem to be directly related to the commentators' fundamental outlook on the relationship of the press and government. Where a critique came down in the debate about the restrictions and the coverage depended on its assumptions about the role of the press in a free society in time of war.

Journalism Students: Adults or Children?

By Glen L. Bleske
University of North Carolina Chapel Hill

Clearly, journalism students at graduation are adults and will be expected to think, learn, and work as adults after graduation. It follows that their education should include those skills that adults need in the work place. As Gerald Grow (1991) has suggested, these skills go beyond learning how to edit, write, and design news pages. Adults need to be self-motivated, to be able to make decisions, to think critically, and to be masters of various other higher-order skills.

This exploratory study, a sample of 10 students and 10 professional journalists, indicates that there may be significant differences between journalists and students in their perceptions of learning and in how they are treated by either their teachers or their editors. Although this study has extreme limitations, it suggests that journalism education could benefit from adapting strategies associated with self-directed learning, a concept associated with adult-learning theory.

Life-Cycle Model Provides Alternative View of Daily Newspaper Industry's Health

By Rebekah Bromley
University of Tennessee

Life-cycle models have been used since the 1970s to study public and private organizations and their subsystems. The models, illuminative rather than predictive, have proven useful in identifying the various characteristics, issues, and problems organizations face during growth and decline. In this study a life-cycle model, characterized by Whetten (1987) as birth, growth, and decline, is used to examine U.S. daily newspapers.

Findings highlight an industry segment in decline. Although an individual daily newspaper may differ from the industry segment's decline characterization, newspaper managers can receive insight into their organizational structures to better provide for effective strategies of change management.

Newspaper and Magazine Coverage of a Deviant Science: The Case of Parapsychology

By Rodger L. Brown
Emory University
and
Bruce M. Swain
University of Kansas

This paper examines 1975-85 magazine coverage of parapsychology and the attempts of researchers in that field to gain scientific respectability.

Comparisons were made of seventeen articles in science magazines *(Psychology Today, Science Digest, Omni)* and popular consumer magazines *(Saturday Review, Reader's Digest, U.S. News and World Report, Atlantic, Cosmopolitan, Forbes, Ladies Home Journal, New Times)*. Those articles were compared with eight newspaper articles published in the *New York Times, Washington Post*, and *Los Angeles Times*. The articles were evaluated both in terms of their conformity to well-established standards for science reporting and in terms of reported rhetorical strategies utilized by various parties to the dispute.

The results indicate that reporters seem to have been "soft" on parapsychology. Only 13 of the 25 articles met six of the 11 criteria for science reporting. Rhetorical strategies reported in the articles favored supporters of parapsychology by a wide margin.

The Myths and Realities of *USA Today's* Influence on Contemporary Newspaper Design

By Melody Cookson
Georgia State University

This study examines whether modern regional newspapers conform to a standard of modern newspaper layout format set by *USA Today*. A sample of 10 regional newspapers representing the major regions of the U.S. and several newspaper chains was taken, and an open-ended survey sent to the various managing editors. Questions included in the survey asked for an evaluation of the newspaper's use of front pages in portraying the important news of the day.

The results show that regional newspapers vary widely in their treatment of layout, and that each paper has been influenced to a different degree by the introduction of *USA Today*. Some newspapers had previously made strides in using the same techniques that are credited to *USA Today*, while others are obviously keeping up after the fact by implementing new strategies to compete.

There appears to be, unlike most textbooks would lead students to believe, no actual model for contemporary newspaper layout, and most students and job-seekers need to be exposed to various types of layout in order to be competitive.

Reporters' Portrayals in the Media Are Often Negative and Influence Students

By Fred Fedler
University of Central Florida
Tim Counts
University of South Florida
and
Raleigh Mann
University of North Carolina-Chapel Hill

Only 12.3 percent of the nation's journalism students are now enrolled in news/editorial sequences. Previous studies have found that most journalism students prefer other careers "because of negative perceptions of what newspaper professions have to offer." No one, however, has determined the source of students' negative perceptions of newspaper reporters and their work.

To identify the factors responsible for students' avoidance of news/editorial studies, the authors administered a questionnaire to 343 students at three universities in the Southeast. A surprising number of the students said they have no first-hand knowledge of reporters. All they know is what they see in the media, and many don't like what they see.

Thus, the issue is not just a reporter's benefits and working conditions. Many students said they would not want to become reporters because they would be required to engage in practices that they consider selfish, irresponsible, and unethical.

The Newspaper of the Future Meets the Office of the Future

By John K. Hartman
Central Michigan University

The office, where business and professional activity takes place, is changing from a physical entity to an intellectual concept, thanks to communication technology.

In order to effectively market itself to the office of the future, the newspaper of the future must respond to the changes. In order to maintain and increase its value to the office of the future, newspapers must become a window through which to see change trends, provide information insurance, cover the lives and lifestyles of the young and young adults, report on the human element in everyday life, make their content accessible outside their circulation area, continue to be cost efficient, and help office workers cope with "information anxiety."

News Room Communication: Journalists' Perceptions of Organizational Communication Satisfaction at 11 Daily Newspapers in Eastern Pennsylvania

By Michael A. Incitti
Wilkes University

Daily newspaper journalists are generally successful in communicating the day's events to an unseen reading audience. But how well do they communicate among each other in their respective news room environments?

The International Communication Association Audit was presented to editorial department workers in the news rooms of 11 daily newspapers in Eastern Pennsylvania to measure journalists' satisfaction with communication in their news rooms. Newspapers were chosen by circulation and location in a concentrated geographic region. Rate of voluntary response: N = 141, 25.6 percent.

Findings indicate a strong need for improved communication in the news rooms of newspapers in the study. Respondents ranked communication relationships among "co-workers" highest, "top management" lowest. Respondents ranked the outcome "my job" highest, and "overall internal communication in the news room" lowest.

Ethical Considerations in Surreptitious News-Gathering: Examples from South Carolina and North Carolina

By William Jong-Ebot
University of South Carolina-Spartanburg

News-gathering methods, particularly surreptitious techniques, have become increasingly controversial. In this age of abundant and sophisticated media technology on one hand and an increasing awareness of the privacy rights of individuals on the other, some journalists believe that surreptitious news-gathering invades the privacy of individuals while others think that some deception is acceptable, particularly if its outcome benefits the public.

This non-scientific (non-random sample) survey of journalistic managers from North Carolina and South Carolina indicates that they are aware and somewhat concerned about surreptitious news-gathering techniques. Their responses add to the ethical dilemmas facing journalists today, particularly with regard to the individual's right to be left alone and the public's so-called "right to know."

An Analysis of Weekly Newspaper Market Penetration

By Ray Laakaniemi
Bowling Green State University

The 7,476 weekly newspapers in the U.S. are a major part of the American newspaper business. Yet very little basic research has been done on weeklies. Only about 20 articles dealing with the subject have been presented in research journals over the years.

An effort was made to tie this research, as well as articles in the trade press, together in research which would provide a bench-mark figure for weekly newspaper market penetration. This would be compared with the 60 percent household penetration figure which daily papers are generally acknowledged to achieve.

No bench-mark could be established because of high variance statistics, resulting from the great variety of weeklies. However, the study indicated that award-winning newspapers did not have significantly higher market penetration than randomly selected weeklies; that a random group of weeklies had significantly higher market penetration than suburban newspapers; that resort community weeklies had higher market penetration figures than the randomly selected group; and the award-winning papers had significantly higher market penetration than the suburban papers.

Cross Our Hearts and Hope To Die: What Constitutes a Binding Promise of Confidentiality Between Reporter and Source?

By Lauren Purcell
University of North Carolina-Chapel Hill

In the last 20 years, perhaps because of the increasing prominence of investigative reporting, the use of confidential sources has risen. The Supreme Court, recognizing the importance of such sources for news-gathering, has granted at least limited First Amendment protection to confidential agreements and state shield laws offer some protections in the courtroom for journalists' confidential communications with their sources.

Outside the courtroom, however, reporters and editors sometimes contend they have the right to breach a confidential agreement if the situation calls for it. This paper examines several court cases since 1980 that involve broken confidentiality agreements to determine what constitutes a binding promise between reporter and source.

This paper examines the facets of reporter-source agreements and concludes with eight practical suggestions for any reporter considering a promise to a news source.

Information Graphics During the Gulf War: Their Use, Information Type and Form in Two Newspapers and Two Magazines

By Jyotika Ramaprasad, Chris Ader, Jim Henry & Janet Hines
Southern Illinois University

This study of Gulf War graphics in two newspapers and two magazines found that these graphics were many in number, large in size, and complex in form (complex enough that they could be more appropriately called graphic information packages). The infographs were displayed rather prominently and received considerable color treatment. They provided their readers with reports of war action (what happened where), explanations of weapons used, and predictions of the weather in the Middle East.

Even if "form" limitations are accepted as an explanation for their lack of issue as opposed to event coverage, the magnitude of use of these graphs, given the content, needs to be questioned. It should be the need to provide a particular content to readers that should dictate the use for the form of infographs rather than the desire to use the form of infographs dictating the content a vehicle provides to its readers.

When the Military and the Media Go to War

By Evan Reminick
Ohio Weselyan University

For good or bad, when the U.S. goes to war, it fights symbolically for the "American way." Among the tenets of the "American way" are the need for a strong military and the freedom of the press. In modern warfare, both communication technology and military technology have powerful and immediate impact. Thus "operational security" and "media access" are much repeated concepts. Though both concepts represent traditional American thinking, the needs of a free press and national security are at their highest likelihood to collide during wartime.

When put to the ultimate test, national security interests consistently dominate free press interests, as the Gulf War also illustrated. Historical precedent as well as contemporary Constitutional interpretation support the notion that the need to win supersedes the right to know. Given the need to extend a vigilant trust to both the military and the press, this conclusion proves correct, though unattractive. In times of national crisis, the government can be held accountable in a concrete way that the news media cannot be.

Values in Conflict: Newsworthiness vs. Personal Privacy Naming People with AIDS in the Press

By Erica Lynn Shepard
University of Florida

The issue this paper attempts to explore is the naming of people with AIDS in the media, in particular the newspaper medium. The values in conflict are the journalistic responsibility to inform the public about matters of concern versus the rights of individuals to personal privacy and to be free from harassment and public humiliation.

The purpose of this study was to determine how editors at newspapers across the country deal with the question of whether to name people with AIDS in their publications. The survey used in this study was constructed to discover how likely a particular editor is to name a person under various hypothetical circumstances.

The *Charlotte Observer* and PTL: The Untold Story A Case Study

By Kim Smith
University of Missouri

The *Charlotte Observer* newspaper spent 11 years uncovering fiscal mismanagement and personal scandal at the Rev. Jim Bakker's multi million dollar "Praise the Lord" (PTL) cable TV network and Heritage U.S.A religious theme park, located near Charlotte, N.C. One of the highlights of that coverage occurred in March of 1987. Bakker resigned from the ministry after learning that the *Observer* was going to publish a story that PTL paid a Long Island church secretary $265,000 not to disclose her sexual encounter with Bakker.

Interviews conducted with reporters and an editor who worked on PTL coverage revealed some journalism firsts.

1) The newspaper became the first news organization in history to successfully look behind the scenes at the financial misdoings of a member of the electronic church. 2) Bakker's PTL became the first electronic church to use its nationwide cable TV network to launch an effective counter public relations campaign, aimed at destroying the newspaper by pressuring followers to cancel subscriptions. Bakker's followers also put pressure on advertisers to stop buying advertisements in the paper.

The interviews also revealed some unique ethical problems the *Observer* had to face in covering Bakker, problems which raised questions about how to ethically, fairly, and accurately cover Bakker and PTL. Some journalists and social scientists say the news media need to improve their coverage of the TV preacher in particular, and religion in general. A study of the *Observer's* coverage of PTL and Bakker might provide a guide as to how to improve that coverage.

International News in Foreign Newspapers: Some Discoveries and Some Confirmations

By John W. Williams
Southern Illinois University

The media are considered the primary source of information about foreign policy for the public at large. As a result, they are considered significant actors in the foreign policy process, especially in a democracy such as the U.S. However, as this quantitative study reveals, the media – newspapers in particular – are failing in this key role.

The study reveals that American newspapers, as many have suspected, report less about international matters than about other news, and less about international matters than do newspapers of other nations. Furthermore, perhaps adding evidence to the controversy over coverage of the Third World by the Western press, American newspapers tend to focus more on news of international violence than do newspapers of other countries.

However, the study discovered that newspapers of certain Third World countries are not free from blame themselves. The study concludes that an expanded concept of cultural proximity might explain why the press of certain nations appear so similar in their coverage.

Abstracts Not Available

Alley, Kristie (University of Alabama). "The *New York Times* of the 1890s: Torch Bearer or Gilded Newspaper?" (History Division).

Campbell, Suzanne (University of Alabama). "The Newspapers' Information Services War Against the RBOCs: An Historical Overview and Analysis" (Law Division).

Pierce, Robert N. (University of Florida). "*PM* Lives: Linkage with the *St. Petersburg Times*" (History Division).

Seigler, Patrick (University of Alabama). "The Nisei and the *New York Times*" (History Division).

Spellman, Robert (Southern Illinois University). "Pentagon and Press: Access and Prior Restraint in the Gulf War" (Law Division).

Stoker, Kevin (University of Alabama). "Innovators, Crusaders and Capitalists: New York's Newspapers and Editors in the Early 1920s" (History Division).

Stoker, Kevin (University of Alabama). "More Than One Moral to the Story: An Integrative Conceptual Analysis of Journalism Ethics" (Newspaper Division).

Thompson, Bailey (University of Alabama). "Breasting the Current: John Forsyth and the Election of 1860" (History Division).

ISSN 1064-5403